

**CREATING CHANGE IN THE SEIU AND THE AFL-CIO: THE ROLE OF
IDENTITY**

A Dissertation

by

AMBER LEIGH BURKETT PELOW

Submitted to the Office of Graduate Studies of
Texas A&M University
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

May 2004

Major Subject: Speech Communication

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ABSTRACT

Creating Change in the SEIU and the AFL-CIO: The Role of Identity. (May 2004)

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The SEIU and the AFL-CIO utilized similar rhetorical strategies in creating identification to further change within their organizations. Despite similar rhetorical strategies, the change efforts differ substantially in terms of success. This dissertation argues that the audience, culture and organizational structure influence the success of the change effort. The dissertation provides implications for rhetorical communication in labor unions.

DEDICATION

This dissertation is dedicated to working people everywhere, in the hope that they will one day be treated fairly and with the respect they deserve.

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CHAPTER I

INTRODUCTION AND FRAMEWORK

Introduction

After the 1994 congressional elections, the outlook for labor seemed especially dismal as the forty-year labor-friendly Democratic control of Congress shifted to the Republicans. During his fifteen years at the helm of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), Lane Kirkland had little to show for himself and even less to show for labor. Not only did their political agenda come to a screeching halt with the 1994 elections, but by 1994 the percentage of workers who were organized slid a full seven points to a mere 13.5% of the overall workforce (Katzin, 1999).¹

At this juncture, several of the member unions of the AFL-CIO were no longer satisfied with Kirkland and a coup to take over control of the AFL-CIO was mounted. The dissidents turned to John J. Sweeney to run for the presidency of the AFL-CIO and represent the “New Voices” campaign. Sweeney was a logical alternative to Kirkland. During the fifteen years he served as president of the Service Employees International Union (SEIU), he turned around an ailing union facing similar problems as the AFL-CIO: declining membership, eroding political support, and diversity problems. While Sweeney’s successful 1995 bid for the presidency of the AFL-CIO promised change for

This dissertation follows the style of *Communication Monographs*.

¹ The percentage of organized public sector workforce is 37%, while only 9% of the private sector is organized (Bureau of National Affairs, 2002).

the organization, the seven years since he assumed the presidency have not brought about the sweeping changes expected after the election.

While the SEIU and the AFL-CIO share similar environments, the culture of the two organizations developed very differently due to their unique histories. Moreover, while the formal structure of the unions are very similar, the power of the AFL-CIO over its affiliates is considerably weaker than the SEIU's control over affiliates. While the culture and the power differential explain in part the difference in success for the two organizations, the rhetoric generated by the two organizations also plays a role in the success of the two change efforts. In this dissertation, I will argue that Sweeney's identification was stronger, although not stellar at the SEIU, and his rhetoric generally fails to provide identification for a significant portion of his audience at the AFL-CIO.

The SEIU and the AFL-CIO provide an opportunity to compare and contrast a successful organizational change effort with a less successful organizational change effort in order to help determine the implications for organizational rhetoric in labor change efforts. After all, the two organizations have similar political and societal opportunities and challenges. In addition, the primary and certainly the most visible rhetor for the SEIU and the AFL-CIO is John Sweeney.

Chapter I will introduce the dissertation, discuss the relevant literature, and establish a framework. II will examine the organizational culture and structure of the SEIU and the AFL-CIO focusing on organizational opportunities and barriers. Chapter III will review the political and legal environmental constraints and opportunities for change in the AFL-CIO and SEIU. Chapter IV and V will respectively examine SEIU's

and the AFL-CIO's audience, use of identification, and strength of argumentation.

Chapter VI will draw conclusions and recommendations for future change research.

Literature Review

In general, the communication field suffers from a lack of research about labor unions and union discourse, including change efforts of unions. More than three decades ago, Knapp and McCroskey (1968) argued that studying organized labor must be included in the communication discipline, because without labor studies, communication theory and application is not fully representative of our society. For the following fifteen years communication researchers largely ignored Knapp and McCroskey's call. Once again, a communication scholar called for putting labor issues at the top of the communication research agenda (Mosco, 1983). Twenty years later, only a handful of articles dealing with labor exist despite the ever encroaching demands of the workplace. Ironically, almost none of this research has focused on unions *per se* or on the declining political power of labor organizations. Instead, they examine labor in popular culture and the media (Knapp, 1981; Sefcovic, 2002; Signorelli & Kahlenberg, 2001). Alternatively, some research examines labor discourse as a secondary focus of interest. In addition, several scholars have focused their research on media portrayals of labor (Kumar, 2001; Lee & Craig, 1992; Steuter, 1999). Other scholars have examined how labor unions enact concepts of community (Fouss, 1996; Pollock, 1990). Labor unions have been involved as secondary subjects of several feminist studies (Mattina, 1996; Tonn, 1996; Triece, 2000). In sum, the communication discipline not only has under covered labor studies, but lacking from these studies are studies that look at the

organizational rhetoric of the labor movement. In addition, the literature does not address the interaction of organizational culture and power in the organizational rhetoric of labor unions.

Amidst this austerity, however, Stewart's research on the Knights of Labor suggests how the internal rhetoric of an organization can contribute to an organization pursuing a failing course of action and a barrier to change (1991). The Knights of Labor adopted a rhetoric that labeled the organization as "true way" reflecting a doctrinal style of rhetoric that placed the organization above the social movement. This rhetoric locked the Knights of Labor into several policies and behaviors that prevented the organization from responding to the demands of the environment.

Perspectives on Change

In order to ascertain the role of rhetoric in change, it is important to understand how change operates in organizations. Even though the communication literature offers few explanations as to role of rhetoric in change organizations, the institutional change literature can offer some insight. The plethora of organizational change literature is a wide and diverse interdisciplinary collection. Van de Ven and Hargrave suggest "theories of institutional change and social movements may provide explanations better suited for cooperative and competitive collective action among networks of organizations and other institutional actors in this post-industrial economy" (In Press). Moreover, labor is not only an institution in and of itself, but labor also acts with-in the constraints of other institutions (Form, 1995). Van de Ven and Hargrave define institutions as "social structures that are constructed by humans to provide stability and

meaning to life. They are the ‘rules of the game’ (North, 1990) that both enable and constrain human behavior” (In press). Kaplan specifies that institutions are “the complex of status role relationships which is concerned with a particular area of activity within any specified social system (total or partial)” (1960, p. 179). Kaplan further indicates the following conditions for the statuses to create an institution: “1) The statuses must be socially recognized and defined; 2) The statuses must exist independently of the people who occupy the statuses. That is to say the institution has continuity over time although the specific manifestations of the institution may be ephemeral” (1960, p. 179). Like any social movement, unions often become bureaucratized as structures, resources, goals and strategies stabilize (Kriesi, 1996, p. 156). Although the labor movement began as social movement, over the years, labor has created stable resources, structures, and goals. Hence, the institutionalization of labor has formed intricate bureaucracies that provide support services for members, political lobbying, negotiate contracts, etc. Moreover, labor has institutionalized complex set of leadership and governance, which is concerned with over a specific set of activities involving worker economic issues and social justice. Despite the decline in membership, labor organizations have experienced very few major changes in their structures, cultures, and/or practices in the last 30 years. This degree of continuity is particularly striking because of the radical changes that have taken place in the environment surrounding labor unions and the rapid changes experienced in institutions with which unions interact. For example, the need for legislation requires that labor interact with political parties, state and federal legislatures. Moreover, the Courts and

the National Labor Relations Board (NLRB) settle disputes labor has amongst itself as well as employers. Jarley, Fiorito, and Delaney suggest that the larger the union, the larger the bureaucracy will be created to carry out the goals and policies of the union (1997). The institutionalization of labor has created a bureaucracy that inhibits change through its processes and structures. This degree of bureaucratization reduces their environmental responsiveness, and thus handicaps change efforts would be sufficient.

In order to narrow and focus on the change literature that is most applicable to the change efforts of the SEIU and the AFL-CIO, this dissertation will focus on the change literature, which deals with changes within institutions. Van de Ven and Hargrave delineate four lines of scholarship concerning change in institutions: institutional design, institutional adaptation, institutional diffusion, and collective action. The institutional design perspective seeks actions and roles that actors can engage in to create or change an institution. Institutional design scholars such as Commons, North, Ruttan and Hercowitz contend that institutions are a result of behavioral choices. These scholars are particularly interested in issues of social justice and the dialectical processes that resolve these issues. Traditional views of institutional design contend that institutions are composed of “working rules”. These working rules are created to deal with “human problems” and evolve through interaction of agents. Hence, institutional design suggests that the history of the AFL-CIO and the SEIU is important to understanding the norms or “working rules” of the two organizations. The norms and working rules change gradually over time in any organization even heavily bureaucratic organizations like labor. In bureaucracies, change is likely to be slower and incremental.

The institutional adaptation literature suggests that organizations mirror each other in appearance by embracing similar institutions. Institutional adaptation literature explains that these similarities develop as a result of a desire for legitimacy. This literature concentrates on the proactive and reactive adaptations of institutional actors to the institutional environment (Van de Ven & Hargrave, In Press, p. 22). Greenwood and Hinings (1996) suggest that resistance to change will occur due to the organization's normative embeddedness. Marcus and Webber (2001) contend that often those who need change the most are less likely to accept. Fligstein (2001) argues that within particular organizational fields the organizations that change are the ones that have to. Sometimes, smaller organizations change in order to defend themselves against the large ones and vice versa. The pressure that determines, which organizations must change, is imposed by environmental institutions like the government.

Not only does legitimacy lead an organization to change, but the field of institutional diffusion indicates that a quest for legitimacy drives the duplication, spreading or waning of institutional arrangements. Unlike the institutional design and adaptation scholars who focus on the individual actor, the institutional diffusion perspective seeks to examine a wide range of types of organizations. Institutional diffusion scholars contend that the replication, diffusion or waning occurs as an attempt to seek legitimacy within the same institutional environment in order to compete for scarce resources. (Van de Ven & Hargrave, In Press, p. 35).

The institutional adaptation and diffusion perspective helps explain the driving force for change in the SEIU and the AFL-CIO. As the percentage of the overall

workforce represented by unions has declined, the legitimacy of unions in protecting workers has begun to be questioned.² In the case of the labor movement, the scarce resource being sought was membership. It's important to note that the competition for this membership was not against other unions as much as competing against employers, who seek to keep their employers out of unions. As a result, a few unions such as the SEIU and the American Federation of State, County & Municipal Employees (AFSCME) had already implemented changes in their organizing and political strategies, and unlike many of their counterparts, these unions were actually growing during the late 80's and 90's. For example, the SEIU funneled thirty percent of its budget into organizing. Moreover, both unions adopted a corporate campaign strategy to aid in organizing and bargaining. Despite the increasing legitimacy of a few individual unions, the declining AFL-CIO's membership and loss of political support in the 1994 election continued to spur questions of labor's legitimacy and relevancy. Hence, the SEIU and AFSCME joined forces to change the AFL-CIO and the rest of the labor movement.

Besides a need for legitimization, change is shaped by political structures, organizational structures, and frames. The collective action scholarship seeks to explain how institutions aid or hinder social movements or technological innovations. Collective action scholarship analyzes change generated through a collective process. The collective action scholarship is composed of three lines of work: political opportunity structures, mobilizing structures, and framing (Van de Ven & Hargrave, In

² Bennett and Taylor argue that the essentially labor has done such a good job pursuing labor law that labor law replaces the need for unions as well.

Press, p. 47). In order to understand how they interact, we must first look at how they are defined and function individually.

Defining political opportunity structures can be challenging, since political opportunity structures has become a catch all terminology for everything in the environment that facilitated a social movement (McAdam, 1996, p. 25). Based on a synthesis of recent definitions of political opportunity structures, McAdam suggests the four common dimensions of the political opportunity:

1. The relative openness or closure of the institutionalized political system.
2. The stability or instability of that broad set of elite alignments that typically undergird a polity.
3. The presence or absence of elite allies.
4. The state's capacity and propensity for repression. (Brockett, 1991; Kriesi, Koopmans, Duyvendak, & Giugni 1992; McAdam, 1996; Rucht, 1996; Tarrow, 1994).)

McAdam (1996) suggests that political opportunity structures function both as the dependent and the independent variable. Political structures constrain and provide opportunities to social movements, but at the same time, movements are able to shape and create their own opportunities. The opportunities created by the social movements may be intentional or unintentional (McAdam, 1996). While these standards are most often applied to national contexts, the framework may also be extended to smaller systems such as the labor movement where essentially a mini social movement is taking place within this network of institutions (Tarrow, 1996).³ Political opportunity structures are not static, but evolve and change over time as do the organizations, which interact with them (Campbell, 2002). Change in political opportunity structures may be

³ Tarrow also argues that more cross-national studies would be beneficial as well.

driven by a variety of sources such as political authorities or by societal groups. Political opportunity structures create incentives and grievances, which provide motivation for change.

Not only do political opportunities shape change, but mobilizing structures do as well. Mobilizing structures are the informal and formal networks of social movement organizations. Analyzing mobilizing structures requires that the scholar examine “tactical repertoires,” “social movement organizational forms,” and “modular social movement repertoires” (McCarthy, 1996, p. 141). Informal and formal mobilizing structures include both non-movement and movement structures. Informal non-movement structures are basic structures of everyday life like friendships and families. Informal movement structures are created primarily to mobilize individuals and include activist networks, affinity groups, etc. While formal non-movements structures are organizations that are not necessarily tied to a social movement, but which may aid or support social movements such as churches, professional associations, and unions. Formal movement structures are those structures that movement dedicated such as movement schools, protest committees, etc. Social movements often employ a variety of these structures in order to mobilize individuals. (Kriesi, 1996; McCarthy, 1996). As social movements develop, the internal structure of the movement will become more complicated. The external structure of a social movement is the integration of the movement with the organizational environment which include constituency, allies, and authority (Kriesi, 1996).

In addition to political opportunity structures, mobilizing structures, framing molds and creates change. Framing is the content processes by which meaning is attributed to an object and shared with the collective (Dobbin, 1994; McAdam, Tarrow & Tilly, 2001; Zald, 1996). Frames strategically create and manipulate a common worldview with the audience with the use of metaphors, symbols, and other language devices. Framing influences the way individuals “perceive their interests, identities, and possibilities for change.” (Campbell, 2002, p. 9). By helping individuals discover the opportunities and strategies available, frames bridge actions and structures.

Frames influence change by motivating collective action. Collective action frames serve three purposes: 1) diagnostic, 2) prognosis, and 3) motivation. The resonance of these frames depends on 4 factors: 1) frame consistency, 2) empirical credibility – i.e. are events and statistics available to uphold and support the frame, 3) credibility of articulator, and 4) saliency. Finally, frames must be examined in comparison to political and cultural opportunities to ascertain the viability of frames in their environment. Cultural frames that exist in the environment compete with frames developed by social movements (Zald, 1996, p. 266). While organizational scholars have largely ignored framing issues, topics such as cultural fit indicate framing could coincide with organizational models (Campbell, 2002).

Gameson and Meyer suggest that frames are most likely to offer a rhetoric of possibility, urgency and agency (1996, p. 286). To be effective, frames must align with the value, goals and cultural symbols (Tarrow, 1994). If the opposition can successfully

reframe the social movement as a special interest, the social movement may struggle for legitimacy (Snow & Benford, 1992).

The views presented above on political opportunity structures, mobilizing structures, and framing suggest an interconnectedness amongst the components that few scholars have pursued (McAdam, McCarthy, & Zald, 1996; Van de Ven & Hargrave, “In press”). Until recently, most scholars studied either political opportunity, mobilizing structures, or framing (e.g. Campbell, Hollingsworth, and Lindberg, 1991; Edelman, 1988; Gerlach, 2001; Gerlach & Palmer, 1981; Gusfield, 1963; Gusfield, 1981; Holm, 1995; Kraatz & Zajac, 1996; Meyer & Rowan, 1977; Oliver, 1991; Tushman & Anderson, 1986; Vogus & Davis, 2002). Several scholars, however, have integrated the 3 fields of social movement literature.⁴ Several scholars have argued that integrated approaches are needed to political opportunities, mobilizing structures, and framing interact with each other in creating change (Hunt & Aldrich, 1998; McAdam, McCarthy, & Zald, 1996; Zald, Morrill, & Rao, 2002). While several scholars integrate all three perspectives in their work, most scholars focus more on one of these areas than the other areas. The preference for one area over another depends on the research questions. For example, when studying political opportunities, merely to discovering which political opportunities are available for change overlooks the fact that unless the actors frame these opportunities as available and useful the opportunities are unlikely to be utilized (Gameson & Meyer, 1996). Variations in the development of organizations with the

⁴ Campbell argues that as social movement research has sought integration of concepts, organizational research has developed along similar lines and themes. Campbell attempts to call attention to these common mechanisms of both literatures: 1) Environmental and 2) Cognitive (2002).

same political opportunities can be accounted for in the differences in the frames adopted by those organizations (Clemens, 1993; McCarthy, 1996). On the other side of the coin, available frames must be distributed throughout the mobilizing structure in order for these frames to make a significant difference in the change effort.

The success of frames is limited by the political opportunity structures, and mobilizing structures. Lounsbury (2002) illustrates how the different political opportunities and institutional logics influence the success of frames. Lounsbury examines the environmental movements success on recycling issues across the United States. Lounsbury finds that in states with a strong environmental movement, holistic arguments were effective. In states that had large capacity for incineration operations, which provided direct competition to recycling efforts, however, technocratic arguments were more successful. Lounsbury explains that the institutional logics account for the effectiveness of the different frames. Hence, the more consistent the frame is with the locally dominant institutional logic, the more successful the frame. Simply examining the frames would fail to account for the structures and logics that give saliency to the frames. Similarly, Vogus and Davis (2002) argue that grievances are fairly stable overtime, but different structures create a situation where they are interpreted and framed as intolerable and the time is ripe for change. The better organized the movement in combination with the strength of the network the greater the likelihood for success.

In addition, frames shape the political opportunity structures and mobilizing structures. Both Fligstein's and Stryker's research suggests that organizations can proactively manage the political opportunity structures and the mobilizing structures

through the selection of framing (Stryker, 1994; Fligstein, 1996). Fligstein examines the political and cultural constraints facing markets in turmoil, and he combines this analysis with an analysis of the frames offered in response to these situations (1996). Fligstein argues that when markets are in flux, some firms try to reduce uncertainty by offering frames that suggest the situation is in control, regardless of reality. Fligstein concludes that the markets, which offered frames of control, were able to withstand the pressures facing them. Stryker argues that adopting and using a scientific frame in certain political opportunities and structures can give legitimacy to the organization (1994).

In addition to choosing frames judiciously based on the environment, Smith suggests that organizations can create additional structures in order to advance frames. Smith argues that government entities can create structures for debate in order to proactively shape the debate. In addition to the debates, Smith (2000) suggests governmental entities can and should provide frames in other contexts. By shaping the frames on these two levels, they are more likely to have success in framing issues than one-dimensional strategies.

Despite proactively using available political opportunities, frames are vulnerable to counter frames. Meyer suggests that the nuclear freeze movement was able to gain access to Congress and other government agencies, but despite these political opportunities the nuclear freeze movement was not able to frame the debate in a manner that influenced policy (1990). This was due in large part to the frame offered by the opposition. President Reagan advanced a frame of deterrence versus destruction in response to the freeze movement that overtook the policy debate.

In some instances, the frames themselves provide opportunity to the political structures. Braithwaite and Drahos (2000) argue framing can alleviate the destruction of national sovereignty by globalized businesses by recruiting the help of more powerful entities. Braithwaite and Drahos argue that business can be constrained by movements when they are able to enlist the aid of prominent political or business organizations. The saliency of the frames to these entities determines the success in recruiting.

In sum, the institutional design perspective suggests that actions and roles of actors can create or change an institution through their behavioral choices. The institutional adaptation literature suggest that these behavioral choices are driven by a quest for legitimacy, which leads organizations to mirror each other in appearance by embracing similar institutions. Similarly, the field of institutional diffusion argues that institutional arrangements will duplicate, spread or wane over many organizations due to the need for legitimacy. The Institutional design and adaptation scholars, which focus on the individual actor, differs in scope from the institutional diffusion, which examines a broad field of organizations. The collective action scholarship explains that change is aided or hindered through political opportunity structures, mobilizing structures, and framing.

Of these four perspectives on institutional change, the collective action scholarship provides several insights for the goals of this dissertation. The concept of framing accounts for the influence of rhetoric in the change process. The analysis of the political and mobilizing structures examines the other influences on the change process as well provides a more holistic understanding of change.

Framework

With a few exceptions (e.g. Fligstein, 2001), the vast majority of social movement research incorporate framing from a macro perspective (Johnston & Klandermans, 1995). These studies often do an excellent job analyzing the constraints, such as political, cultural, and structural, facing organizations, but the analysis of framing techniques at macro level overlooks essential elements in framing. A micro look at frames can explain why frames are not universally successful in analogous situations. In addition, a macro approach often lacks an examination of specific textual references.

Moreover, Williams and Kubal (1999) criticize framing studies because often they overlook the manner in which organizational culture enables as well as constrains the change process. Williams and Kubal suggest that to truly examine a frame you must analyze the frame against the larger culture context in which it is offered. If the frame is in alignment with the larger culture, the frame is more likely to be successful.

The contextual constraints and facilitation aspect is highly consistent with an organizational rhetoric approach looking to study culture and power. Culture and power are both important tools and potential variables for creating change within any organization. Hence, examining the political and cultural opportunities along with the frames offered is in essence analyzing the rhetorical situation. In addition, by examining frames the scholar is able to explore embedded power relationships that exist within a culture (Lounsbury & Ventresca, 2002). All rhetorical actions must be placed into the

context in which they occur. In order to understand the context, the culture must be examined.

Not only does the integrated approach account for culture, but it accounts for power as well. Power also has the ability to shape not only changes taking place, but the structures and frames as well. The integrated approach accounts for all three levels of a power as defined by Lukes (1974). The first level involves relationships among entities such as a boss ordering an employee to do something. The employee follows the order because of the relationship in the hierarchy of the employee to the boss. Examining the political opportunity structures and mobilizing structures account for the first level of analysis. The second level is the ability to define decisions and non-decisions. That is the ability to define issues as important or unimportant is an exercise of power. Frames influence the importance or lack of importance attributed to issues. Finally, Lukes suggests that by controlling how people perceive situations, organizations can also exert power. Examining the cultural frames of the organization and society helps illuminate the competing perceptions possible in given situations. Similar to Lukes, Mumby defines power as the “production and reproduction of, resistance to, or transformation of relatively fixed (sedimented) structures of communication and meaning that support the interests (symbolic, political, and economic) of some organization members or groups over others” (2000, p. 587). Unlike Lukes, Mumby’s definition attempts to privilege communication, which he believes allows organizing, exercising power and political activity to take place. Mumby recognizes the constitutive power of communication, but

he contends that power mediates the production, reproduction and transformation of meaning.

An organization's rhetoric not only must interact with both culture and power, but often the rhetoric serves to constitute culture and power. Hence, I propose to combine an organizational rhetoric approach with the framework outlined by McAdam and Scott (2002). The organizational rhetoric approach will give a micro approach to framing, and McAdam and Scott's framework will provide a thorough analysis of the political opportunities, the mobilizing structures, and the cultural frame.

This study will follow an organizational rhetoric approach as outlined by Cheney and Christensen (2001). Cheney (1991) describes organizational rhetoric as the way "organizations 'speak' to and enlist the "voices" of individual persons. Cheney and Christensen note that individuals often speak under the mantle of the organization or collective sources, and Cheney and Christensen contend that these messages should be treated as messages from the organization rather than one individual to another. Moreover, organizational rhetoric may look at either the external or the internal rhetoric of the organization. As Cheney and Christensen note, the internal and external rhetoric are not isolated from each other but rather than shape and influence each other. Not only is organizational rhetoric studies missing from labor studies, more studies of organizational change need to address both the internal and external rhetorical situations. As Cheney and McMillan (1990) note, the organizational rhetorician must deal with many tensions. Public communication is readily available, and this study will take advantage of this. Organizations' internal and external rhetoric reflect each other in an

attempt to create a cohesive identity for the organization. If the internal and external communication differ significantly, the organization risks undermining identification of both internal and external audiences (Cheney & Christensen, 2001). However, the study will attempt to balance the representation of internal versus external communication through examining forms of organizational rhetoric such as email, pamphlets, etc. geared to AFL-CIO and SEIU members as well when available. This study will select specific messages to represent the organization's attempt to influence its members. Hence, this study will examine a number of sources of organizational rhetoric including but not limited to books, speeches, interviews, pamphlets, press releases, web sites, and emails produced by Sweeney, the SEIU, and the AFL-CIO. The major texts for this study are the two books written by Sweeney, speeches given by Sweeney, and articles written by Sweeney. These texts were chosen due to their high visibility to the members of the SEIU, AFL-CIO, and the general public. *Solutions for a New Work Force: Policies for a New Social Contract*, written by Sweeney and Nussbaum (1989), reflect the changes that he was working on in the SEIU. *America Needs a Raise* represents the rhetoric surrounding the 1995 AFL-CIO election and the change goals of the "New Voices" contingency (Sweeney, 1996i). The speeches were all given since Sweeney's election as President of the AFL-CIO, and expand on the issues raised in *America Needs a Raise* (Sweeney, 1996i).

In addition to providing a microanalysis of the frames using an organizational rhetoric approach, the dissertation will also incorporate the framework for studying change as outlined by McAdam and Scott (2002) in order to give the frames context.

McAdam and Scott attempt to combine the social movement and organizational approaches to institutional change. Over the past four decades, the social movement and organizational literatures have sought wider levels of analysis while seeking to cover more facets of the environment. Organizational scholars focus on organizations over organizing and structures over process. Unlike social movement scholars, organizational scholars ignore the rise and sustainability of new organizations. Social movement scholars tend to focus on one organization or one type of organization. Organizational scholars tend to focus on a Weberian conception of power over a Marxist conception of power. McAdam and Scott call for a structuration approach that combines both emergent and existing power bases. Drawing on both approaches, McAdam and Scott suggest the following framework for analyzing institutional change: 1) Study organizational field versus one organization; 2) Classes of actors including dominants – interest and action whom revolve around, challengers – individuals who challenge the dominant groups ideas and interests, and governance units – units that exercise field level power; 3) Wider social environment including external actors and external governance units; 4) Institutional logics; 5) destabilizing events; 6) Reactive mobilization based on attribution of threat or opportunity, social appropriation, new actors and innovative action; and 7) Shift and/or change in institution. McAdam's and Scott's approach incorporates both the political opportunity structures, mobilizing structures as well as framing. McAdam's and Scott's multi-level of analysis will provide a holistic approach to examining the changes taking place within labor unions.

Only by examining all these aspects, can we truly see how rhetoric functions within the change process.

CHAPTER II

ORGANIZATIONAL TENSIONS AND STRUCTURES

Introduction

The U.S. labor movement is philosophically divided on the goals of the labor movement as well as what methods should be used to achieve them. The early labor movement faced a division in philosophy. Early labor leaders were divided as to the best way to protect workers. The pivotal issue centered on whether workers were best protected through organizations that sought to protect trades or organizations that sought to protect all workers. For the most part, the dividing line was drawn between skilled/trade workers and unskilled/industrial workers. The trade and craft worker recognized that their skills were valuable to employers, and their skills provided them a negotiating tool in obtaining better wages and working conditions. Hence, the trade workers sought to protect the quality of these skills and the availability of these skills in order to maintain their leverage on employers. The primary focus for trade unions was to provide services for their members and to protect their members. Unlike the trade or craft workers, the industrial workers were unskilled. The employers were not dependent on them in order to produce their products because they could easily be replaced with other workers. Recognizing the power imbalance, the industrial faction sought power in numbers. Worker solidarity was key to industrial workers. The industrial workers sought not just improved wages and working conditions, but social justice as well. Over the course of the history of the labor movement, this tension between craft and industrial

workers has become embedded in the organization and continues to shape the philosophy of the movement.

The early history of the labor movement greatly shaped the structure of both organizations. Due to the events in the history of the labor movement, this chapter argues that the AFL-CIO and the SEIU have developed a decentralized organization. The structure of the AFL-CIO is very similar to the SEIU, but they differ in terms of the level of power that the president is able to exercise over affiliates. The philosophical tensions and the structure of the organizations present opportunities and barriers to change.

The first portion of this chapter will cover the history of the U.S. labor movement and illustrate how the philosophical tensions play out. The second part of this chapter will examine this decentralized structure and provide a comparison of the AFL-CIO structure with the structure of the SEIU. Finally, the chapter will conclude with an analysis of the barriers to change presented by the philosophy and structure of the movement.

Early U.S. Labor History

During the 19th Century, the first labor associations formed in the Americas as artisan guilds. These guilds regulated the terms of apprenticeships, wages, and prices for their trades. In 1834, the National Trades Union (NTU) became the first national labor organization. NTU sought to establish manual schools, decrease hours, establish wage rates, and opposed women working outside the home. The NTU's constitution forbade

political action, and the members formed a new organization called the Working Men's Party so they could pursue political action (Craver, 1993).⁵

While skilled workers began seeking protections, unskilled workers were forming organizations, open to both skilled and unskilled workers, as well. Around the same time as the establishment of the NTU, mill workers in Manayunk, MA banded together and struck over working conditions, wages, hours, and freedom of speech (Perrow, 2002). In 1866, the National Labor Union (NLU) was established as a loose federation of independent unions. Even though strikes were technically legal at this time due to *Commonwealth vs. Hunt*, employers would often pursue legal action if the strike was not peaceful or for the purpose of enhanced employment terms. The courts continuously issued rulings favoring employers, and hence the NLU opposed strikes and relied on arbitration instead. The NLU sought an eight hour work day, equal pay – regardless of race, sex or nationality – and full employment. Despite being a national organization, the NLU leaders were primarily concerned with local issues and neglected developing a national agenda. This lack of a national agenda contributed to the virtual disappearance of the NLU by 1872 (Craver, 1993).

As the NLU was fading, a group of Philadelphia tailors established the Knights of Labor. The Knights of Labor (KOL) was an egalitarian organization, which included skilled and unskilled laborers, all genders, and all races. The KOL sought to share in the wealth that they created, enjoy increased leisure time, and be granted more social advantages. As a whole the KOL preferred arbitration over strikes, but it did engage in

⁵ The Working Men's Party had dissolved by 1931.

several strikes. These strikes were largely unsuccessful, with the Pullman strike and the deadly the Haymarket Square Massacre as notable examples. The lack of success followed by the bloodshed of Haymarket Square led to a declining membership and eventual demise of the KOL (Craver, 1993).

AFL History

Unsatisfied with the success of the NLU and the KOL, skilled workers sought the protection and autonomy of trade based unionism. This shift to trade based unionism would lay the foundation for the modern day labor movement by creating an umbrella organization with little power and maintaining autonomy for member unions. In addition, this focus on trade unionism would eventually lead to division amongst the members of the AFL.

Seeking a more narrow organization based on craft lines than the KOL, which accepted both skilled and unskilled workers, several craft unions joined together to establish the Federation of Organized Trades and Labor Unions (FOTLU). In 1886, the organization was renamed the American Federation of Labor (AFL), and Samuel Gompers became the president of the AFL. The member unions sought to maintain their individual autonomy within the federation, and because of this desire for autonomy, organizing along skill crafts was very important. By organizing along skilled crafts, the member unions would avoid jurisdictional disputes with other member unions. In addition, the AFL did not support a separate labor party because Gompers wanted to maintain the autonomy of the AFL, but they did endorse candidates who supported pro union legislation. In the 1890's, Gompers and the AFL sought legislation that would

benefit workers such as a shorter workday, banning payment by company script, and banning tenement dwelling factories. These laws, however, failed to offer any real relief to workers because the courts overturned them in favor of employers by maintaining a “freedom of contract” and calling on “property rights” (Craver, 1993).⁶ In 1902, Gompers managed to allow the United Mine Workers (UMW) and the Brewery Workers (BW) into the AFL despite their non-craft focus because the UMW and the BW did not pose any potential jurisdictional problems. The UMW and the BW were among the six largest members of the AFL, and with them, the AFL numbered nearly a million members. By 1904, the AFL would nearly double with membership totaling 1.7 million in large part due to the induction of new growing unions such as the UMW (Wright, 2003).⁷

But members of industrial components within the AFL were unsatisfied with a trade-based organization because they were not aggressive enough. In 1905, Eugene Debs, William Haywood, Father Thomas Haggerty, and “Mother” Mary Jones, assembled a convention of 43 associations to form the Industrial Workers of the World (IWW) in order to create a “dual unionism”. The IWW sought to organize workers along both industrial and craft lines to increase their power. The IWW asserted that employees and employers share no common ground. The IWW, which sought both political and industrial action, supported socialist candidates, such as Debs, in elections. The IWW was more militant than the AFL, and the IWW engaged in work stoppages in

⁶ An in-depth discussion will take place in Chapter III.

⁷ At this time, coal was crucial for the United States because it provided energy as well as a source of heat. When the country faced a potential shortfall of coal due to a UMW strike, President Roosevelt intervened on the side of the UMW. This victory spurred even more growth in the UMW.

the lumber and copper industries during World War I. This work stoppage led to widespread public disapproval, and the government used this opportunity to imprison and deport thousands of members of the IWW for treachery. The lack of legitimacy of the IWW as well as the government prosecution of members and leaders led the ruin of the organization in the 1920's (Craver, 1993).

The CIO Splits from the AFL

The American Federation of Labor and the Congress of Industrial Organizations (AFL-CIO) is yet another organizational instance which seems destined to uphold the old adage that "history repeats itself." The tension between skilled and unskilled workers, which led to the formation of the AFL and the IWW, would eventually split the AFL. The split was driven by a conflict in goals for the AFL between William Green and John L. Lewis.

In 1924, the fifty-one year old William Green became president after Samuel Gompers' death. By 1925, the AFL had dropped from 4 million members in 1920 to 3 million. The drop in membership was caused in part due to the Gompers' failing health, which prevented him from maintaining a strong public image (Wright, 2003). In addition, Green lacked the vibrant leadership style of Gompers or Lewis. The hostile treatment of laborers by employers, witnessed in the Illinois Massacre of 1922, made it difficult to maintain the membership as well.

John L. Lewis believed that the AFL needed to engage in a mass organizing drive to try to reach unskilled laborers and increase membership. But, the AFL skilled craftsman unions were resistant to this idea because it could potentially create a situation

in which they would lose power and control in the AFL. In 1933, Lewis sought permission to launch an extensive drive of industrial workers, but Greene forbade him to do so. In 1934, Lewis pleaded his case in front of the council, and he was under the impression that he could launch his drive in 1935. In 1935 this resistance continued, Lewis decided to create a Committee for Industrial Organization for the purpose of encouraging industrial organization. The CIO was intended to work within the AFL and was a joint effort between the UMW, the International Typographical Union (ITU), and four smaller unions. The AFL, however, refused to recognize this committee and began to immediately issue suspension charges for members who participated in the CIO. By 1938, the Committee of Industrial Organization had become the Congress of Industrial Organization and separated completely from the AFL (Zeiger, 1986).

In many ways, the new Congress of Industrial Unions stood in sharp contrast to the old AFL. During the height of the Great Depression in 1932, the AFL would not support Federal unemployment compensation because it too closely resembled socialist policies. As the Depression wore on, the AFL eventually reversed this position, but it is still indicative of the organization's conservative attitudes. The CIO, on the other hand, welcomed radicals into their organization in large part because this dynamic and effective leadership could significantly aid organizing efforts. In addition, during the 1930's the AFL had problems with diversity, and blacks as well as many immigrants were not readily accepted in their unions. The CIO, on the other hand, understood that organizing these groups would be crucial to its ability to organize many industries, and were much more receptive to minority recruitment (Zeiger, 1986).

The CIO believed that the success of the Democrats and Franklin Roosevelt were critical to its future success because of Roosevelt's support of progressive and social programs. In 1936, the CIO began the long standing tradition of political campaign contributions to help ensure Roosevelt's victory. Lewis, however, was conflicted about supporting Roosevelt because he didn't believe that Roosevelt was radical enough. On the other hand, most of the CIO, including its socialist and communist factions, preferred to continue to support Roosevelt over socialist and communist parties. Even the radical elements in the CIO recognized that really only two parties were viable in the American system of government. The majority of the CIO leadership also realized that political support for their social parties would dramatically shape the success of the CIO. Even the AFL, which for years tried to refrain from engaging in politics, soon followed suit and began their own campaign contributions to the Democratic party. By 1940, Lewis was no longer willing to continue to support political candidates, and he refused to discuss the reasons behind his decision (Wright, 2003). No one in the CIO supported him in withdrawing from politics. As a result, he withdrew his union, the UMW, and left the CIO. Phillip Murray replaced Lewis as the head of the CIO (Zeiger, 1986).

Within two years the CIO had become a major force within the labor movement. The CIO had captured over 4 million members, a million more than the struggling AFL, and started six thousand new local unions. But, the CIO still had plenty of competition from the AFL. For example the AFL began the International Association of Machinists, which successfully competed for members with the United Auto Workers in the newly emerging aircraft industry. But, the AFL quickly caught up with CIO and surpassed

them in membership in large part due to the large bureaucracy and organizational structures that were in place within the AFL. The AFL had centralized bodies in virtually every city, and strong state affiliates with political, organizing, and legal support. These structures provided money and manpower as well as procedures for initiating organizing drives in a systematic manner. The CIO, on the other hand, lacked the geographical scope of the AFL. The CIO had recreated several of these structures, but these structures were only available in regions with a large concentration of members. As competition for members spread to small towns and new geographic regions, the AFL was in a much stronger position to recruit new members. As the Depression eased in the late 30's and early 40's, both the AFL and the CIO had several successes increasing membership and gaining better wages and benefits for their new members through strikes. The war, however, put a stop to a lot of union activity as both organizations voluntarily called a halt to strikes during the war. Several groups tried to bring the AFL and CIO together during the war, but this only deepened tensions between the two unions. The AFL and the CIO differed as to what goals should be pursued. CIO leaders charged that the AFL was too tolerant of corruption, too comfortable with employers, and discriminated against potential communists. The AFL's President Greene countered that "The CIO is everywhere these days, spreading its poison, and stirring up strife and confusion. We will fight against a movement which has vowed to destroy us and wipe us off the face of the earth" (Zeiger, 1986, p. 69). These charges are reminiscent of the continuous antagonistic rhetoric that flowed between the two organizations during this period.

In sum, the divide between the CIO from the AFL in the early thirties was spurred by differences in ideology, politics, and diversity. The AFL was intolerant of socialist and communists, but the more radical CIO welcomed these ideological viewpoints. This ideological split led to different political platforms. The CIO supported progressive social legislation such as unemployment insurance while the AFL adamantly refused to support these policies because they too closely resembled socialism. Not only did the CIO welcome radicals, but they were more tolerant of diversity. While the AFL excluded minorities during the 30's and 40's, the CIO included minorities in their organization.

Merger

However with the deaths of Murray and Greene within weeks of each other in 1952, a new hope for a united AFL-CIO began to slowly emerge despite their past conflicts. The merger would consolidate the power of the labor movement. Moreover, merger would decrease resources spent on competition and duplication.

During the 1940's, Murray and Greene had discussed on numerous occasions the possibility of merger, but neither leader was willing to submit to the leadership of the other. After their deaths, both George Meany, the new president of the AFL, and Walter Reuther, the new president of the CIO, seemed freed from the rhetoric of their predecessors and able to chart a new course for labor. Unlike his predecessor, the 58 year-old Meany openly accepted industrial unionism, but he did not believe in strikes. Meany told a reporter "I never went on a strike in my life, never ran a strike, ordered anyone else to go on strike and never had anything to do with a picket line" (Zeiger,

1986, p. 159). Although a supporter of free enterprise, he actively sought increases in social welfare and spent most of his time perfecting his political influence with Washington. Forty-five-year old Reuther, on the other hand, rose to fame in the UAW on the picket line. Reuther was concerned with increased pay packets, but more importantly, he was concerned with creating a more prominent and progressive role in society for labor as he sought to extend democracy to the workplace (Zeiger, 1986). Before merger, each leader made demands of the other. Meany requested that Reuther rid the CIO of all communists, and Reuther wanted Meany to work on the corruption problems of the AFL. In addition, Reuther wanted to create a diverse organization that included workers of all racial backgrounds. Reuther also wanted the CIO to be a separately funded section from other unions called the Industrial Union Department (IUD), which would help maintain power and resources for unskilled workers. Reuther wanted to see the labor movement continue to grow, and he also sought a promise to seek organization of the unorganized (Carew, 1993). Reuther was willing to forgo the presidency of the merged union in order to obtain his political agenda. Meany would assume the presidency, and Reuther would become one of the twenty-seven vice presidents and head of the IUD.

After an armed truce was established, the AFL and CIO approached a merger because it offered many advantages for both organizations despite the deep divisions between them. At the time of the merger, the CIO was experiencing several difficulties. The affiliates were exceedingly divided, and the UAW and the Steelworkers were

continually vying with each other for control over policies and leadership of the CIO.⁸ Most of the affiliates of the CIO were not interested in seeking major reform, but rather their interests reflected those of the AFL to the point that the organizations were virtually identical. Since the beginning of the CIO, very little gain in overall union numbers had been achieved. Rather the two organizations had spent millions raiding each others' members, which both groups felt could be much better used in the long run to advance workers' interests and political agendas. Attacks on labor such as the Taft-Hartley Act of 1947 illustrated how greater cooperation and pooling of resources could have benefited both organizations (Barnard, 1983). Despite an apparent agreement on divisive issues and shared goals, transitioning into a merged organization would prove difficult and full of tensions.

In 1955, the merger became official, but Reuther quickly realized that the new AFL-CIO was not the organization that he believed it would be. Reuther envisioned that new AFL-CIO would be a decentralized democratic organization and as head of the IUD much of the leadership responsibilities would be shared with him. But he found that Meany had no intention of relinquishing control; rather, Meany intended for the merged organization to retain a centralized form of governance and to treat Reuther as just another one of the twenty seven vice presidents of the AFL-CIO. Although Meany would try to force Reuther into the backseat of the AFL-CIO, he would have little success. Reuther was a very well known and dynamic personality especially in

⁸ The majority of the division between the UAW and the steelworkers resulted from personality clashes amongst Reuther and Lewis. In addition, the problems were complicated by the sit down strikes of the 1930's. Each union felt like the other undermined their positions in the strike.

comparison to Meany, who was a rather bland, retiring leader. In fact, Reuther was more famous and had more personal relationships with politicians than Meany due in large part to his roles on war time labor boards and his charisma. In addition, Reuther's desire to create improved world wide working conditions often took him abroad to conferences and speaking engagements and led to Reuther's worldwide recognition (Baranard, 1983). This recognition both nationally and internationally was known to continually irritate Meany who felt that his authority and position as president of the AFL-CIO were being undermined (Carew, 1993). This jealousy could explain Meany's rejection of Kennedy's plan to appoint Reuther as a U.S. delegate to the United Nations under Adlai Stevenson (Cormier and Eaton, 1970).

Reuther thought several critical issues such as racial integration, international policy, corruption, and recruitment had been settled in the merger negotiation, but found that these issues would continue to come up through out his affiliation to the AFL-CIO. At the beginning of the merger, Reuther was hopeful that patience and rational discussion these differences could be solved, but Meany intended to retain control on these issues. Reuther's fame and Meany's perception of a challenge to his authority would only serve to exacerbate these problems and make them more difficult to resolve. The real problem behind these issues was due to the fundamental difference in ideological perspective within the U.S. labor movement, and Reuther and Meany reflected these differences. Meany publicly criticized Indian Prime Minister Nehru for being an ally of communists if not in word, then in deed, but Reuther differed with Meany on this position. Meany was a staunch anti-communist and extremely ethno-

centric, but Reuther acknowledged alternate political systems than the democratic republic of the United States. Hence, shortly after these remarks by Meany, he planned a visit to India to help illustrate that an American labor leader appreciated and respected their political positions (Barnard, 1983). In 1959, Reuther had arranged a meeting with Nikita Khrushchev despite Meany's disapproval. Meany disapproved of Khrushchev because he was a communist.

During the 1960's, the relationship between Meany and Reuther deteriorated further. By December of 1968, Reuther withdrew himself and the UAW from the AFL-CIO. Reuther's disaffiliation indicated his frustration over the past thirteen years with the AFL-CIO. For years, Reuther had backed off international issues order to try and obtain the domestic issues that he felt were important. Although Meany had little use for creating a domestic social movement, he did feel that international policy and preventing the spread of communism were very important (Lichtenstein, 1995). In order to help repair his relationship with Meany, Reuther publicly rebuked his own brother Victor for revealing to the public that the CIA influenced the international policy of the AFL-CIO.

On domestic issues, Meany and Reuther were continually in disagreement as well. In 1958, Reuther was very dismayed that the winter conference sessions were held in Miami Beach, Florida because he felt that too many people spent too much time on the beach and vacationing instead of focusing on the important issues at hand. Reuther managed to persuade the council to meet in 1959 in Washington instead, but Meany in the meantime arranged to move the winter council session to San Juan, Puerto Rico. During the 1959 winter session, while Meany was in his hotel recovering from a cold,

Reuther received approval for a march on Washington to protest the Eisenhower economic policy. Meany opposed the march fearing that communists and other radicals would potentially be an embarrassment for the AFL-CIO, and to Reuther's discontent, an alternative rally limited in size was planned (Cormier & Eaton, 1970). Despite the merger, the building trades continued to compete with industrial unions for bargaining rights, and many feared that this issue would lead to a split of the AFL-CIO. The craft unions, however, compromised and agreed to outside arbitration of disputes with a provision that allowed for appeals. Regardless, the AFL-CIO never sought to dramatically increase the number of members, create a more democratic organization, develop coalitional bargaining, or establish more effective political relationships (Carew, 1993). Sometimes, however, this difference in ideology did not always put them on opposite ends of the issue. For example, during the period of high rates of inflation during the late 1960's, both Meany and Reuther were opposed to the Johnson administration's policy of wage controls. Meany was against anything that interfered with free collective bargaining, but Reuther opposed the policy because prices and profits were not included. Reuther wanted labor to become entrenched in the political system, similar to many European countries, in order to aid in controlling prices (Carew, 1993).

With Reuther out of the AFL-CIO, Meany was able to run it as he pleased, and few challenged his position. Lane Kirkland became first in line to take over when Meany passed away, and Kirkland mirrored many of Meany's attitudes and policies. Similar issues that Reuther had raised would again haunt the AFL-CIO over twenty

years later due to the bleak looking future of the AFL-CIO. The issue of diversity, organizing, a progressive political agenda would again be pursued by the new voices campaign.

The Kirkland Era

During Kirkland's tenure as president of the AFL-CIO, the number of unionized members of the workforce would drop to all time lows. The membership would sink so low that the very future of labor would be threatened. In addition, the power of the strike would be severely undercut.

Shortly after Kirkland assumed the presidency of the AFL-CIO in 1981, the air traffic controllers' strike would dramatically change the strategy of labor. The Professional Air Traffic Controller Organization (PATCO) misled the air traffic controllers. PATCO told air traffic controllers that if they continued the strike even after President Ronald Reagan ordered them back to work that they would still have a job. PATCO suggested that Reagan didn't have the power or the guts to fire the controllers when Reagan had both. After Reagan fired the controllers, the public lost trust in the unions because PATCO had misled the controllers (Wright, 2003). Perhaps even more devastating than the PATCO strike was the lesson that management took from the situation. The Phelps Dodge case illustrates how management would use existing labor law to run out unions with the support of the legal system. In Texas and Arizona, the Phelps Dodge copper mine strikes reinforced the threat of unemployment for striking workers. Phelps Dodge would not agree to pay the industry wide wage and benefit pattern, and sought concessions. A steelworker-led thirteen union coalition struck

against Phelps Dodge for over a year without reaching an agreement. Eventually, Phelps Dodge brought in replacement workers and requested a decertification election, which the striking employees were not eligible to vote under federal law. The new employees did not certify the steelworkers, and the courts upheld the actions of Phelps Dodge. The PATCO and Phelps Dodge cases are indicative of a trend during the late 70's and the 80's in which management and their consultants sought loopholes in labor law to undermine unions. As a result, unions became much less likely to use strikes to settle disputes because of the threat of unemployment especially since the courts upheld these attempts to rid employers of unions. Reagan's appointment of Chief Justice Rehnquist and Justice Scalia to the Supreme Court continued to dampen the activity of the AFL-CIO. Both Rehnquist and Scalia are conservatives, who would likely rule in favor of employers (Wright, 2003). The United Food and Commercial Workers (UFCW) typify the success of strikes during the 80's and 90's. When Hormel offered its best and last contract and warned that if strikers didn't return to work, they'd be replaced, the local UFCW rejected the contract and wanted to continue to strike. The national UFCW ordered the strikers to go back to work, but the local refused. They continued their illegal boycott and roving pickets. Many members were arrested, and 550 other UFCW members who participated in the roving pickets lost their jobs. In the end, only 450 UFCW members, sadly the individuals who crossed the picket, still had their job. The UFCW is representative of a number of unions. These unions worked very hard to gain concessions even using illegal means at times. But in the end, these unions had nothing to show for all of their efforts (Wright, 2003).

In addition, the AFL-CIO suffered image problems from the Eastern Airline bankruptcy. The International Machinists were viewed as forcing the airline into bankruptcy because the new owner of the airline Frank Lorenzo attempted to cut wages and create a non union workplace. Shortly after a hostile takeover of Continental, Lorenzo filed bankruptcy, which released the airline from all union contracts. Lorenzo laid off many employees, but he offered them jobs at significant pay reductions. Rather than accept his terms, the machinists, stewardesses, and pilots all struck. Eastern filed bankruptcy due to the strike. As a result, the pilots and other airline employees eventually relented, but the airline could not be saved.

Despite these new threats to labor, Kirkland ran the AFL-CIO more like an academic policy institute than an umbrella organization for unions (Whitford, 1998). Kirkland was very shy, and he did not spend much time out and about with rank and file union members. Nor did Kirkland focus time or resources on organizing. Rather, he spent the majority of the money in the AFL-CIO's treasury on protecting union households by promoting laws that protect the jobs of strikers. Hence, the loss of the Democratic control of the House in 1994 was particularly damaging for Kirkland and the AFL-CIO. The Democratic committee chairmen were particularly successful in preventing union busting legislation from reaching the House floor by keeping these issues in committee forever. With the Republicans in control, however, the AFL-CIO feared that anti-union legislation would not be easily defeated. This bleak future on the political front led to the coup against Lane Kirkland that would ultimately land John Sweeney the presidency of the AFL-CIO (Mort, 1998).

New Voices

Gerald McEntee, president of the American Federation of State, County & Municipal Employees (AFSCME), and John Sweeney, president of the Service Employees International Union (SEIU), joined forces to overthrow Kirkland and to ultimately change the direction of the AFL-CIO. For the first time in years, hope for the future of the labor movement was rekindled, and the downward spiral of membership would be stopped.

McEntee and Sweeney created a coalition with several unions and other non union progressive organizations. The purpose of this alliance was to strategize and coordinate resources for the next couple of years. Members of the alliance did not trust the AFL-CIO to provide the resources and support that they needed. By January of 1995, McEntee began to privately seek support to overthrow Kirkland as the president of the AFL-CIO from the other international presidents, and a few weeks later when, he began to publicly call for the resignation of Kirkland (Mort, 1998).⁹

For the first time in the 109-year history of the AFL-CIO, a current sitting president of the AFL-CIO was publicly challenged. Certainly, discontent had been expressed regarding sitting presidents in the past, but the membership had never asked anyone to step down. The president of the AFL-CIO is elected by all the presidents of the member unions of AFL-CIO. Thus to be ousted from the presidency was particularly disgraceful because his peers would be tossing him out.

⁹ It is unknown whether McEntee had garnered enough votes at this time to overthrow Kirkland.

Several months before the convention, the dissidents began to look to Sweeney as the future leader of the AFL-CIO. During the past fifteen years as president of the SEIU, Sweeney had nearly doubled the membership of the SEIU mainly through innovative organizing drives in the public sector. Sweeney was able to organize those many deemed unorganizable while creating a racially and sexually diverse leadership team for the SEIU. Sweeney was successful for cultural and structural reasons. The SEIU had a history of openness to change and innovation, and as president of the SEIU he had power to set and enforce policy for all affiliates. Mineworker President Richard Trumka, a talented speaker and strategist, would run as the AFL-CIO vice presidential candidate, and Linda Chavez Thompson would be the candidate for executive vice president (Mort, 1998). They dubbed their slate the “New Voices” campaign, and adopted the slogan “America Needs a Raise.” The campaign sought to end business unionism, that is unionism focused on providing services for union members such as collective bargaining, contract enforcement, and representation. The campaign wanted to implement social unionism, which focuses on an increase in organizing, increasing political support, using innovative strategies for campaigns and organizing, and drawing a “morality line” on low wages and inequalities.

Before the public campaign for Kirkland’s resignation had begun, the presidents of the member unions approached Tom Donahue, Kirkland’s right hand man and vice president of the AFL-CIO. For undisclosed reasons, they wanted to replace Kirkland with Donahue, and they were seeking his support and participation in the coup. Out of respect for his long time friend and mentor, Donahue refused to attack Kirkland even

though Donahue would gain the AFL-CIO presidency in the process. As a result, the leaders of the coup turned to Sweeney to head the AFL-CIO. Not long after the campaign for resignation was launched, however, Kirkland realized that he would not be able to maintain his control at the annual convention in October 1995. In June, Kirkland resigned, and Donahue became the interim president of the AFL-CIO. At this point, Donahue had already lost the support of the coup, and Sweeney had emerged as the leader of the “New Voices” campaign.

Never before in the history of the AFL-CIO had there been a contested presidential election (Whitford, 1998). Donahue had the support of the unions who had stuck with Kirkland such as the American Federation of Teachers and others such as the United Federation of Construction Workers, who were unhappy with Kirkland but hesitant to become part of the “New Voices” campaign because they did not want to change the overall mission of the AFL-CIO from providing benefits to members to organizing new members. Donahue had to manage the tension between the need for change and his representation of the old regime whose backing he needed to maintain his new office.

In attempt to manage these tensions, Donahue attacked Sweeney for closing down bridges as part of organizing drives.¹⁰ Donahue contended that these measures were typical of “confrontationalism” of the 1960’s. Attempting to play on the AFL-CIO’s fear of “radicals,” Donahue tried to plant the idea that the confrontationists of the

¹⁰ Donahue is referring to a demonstrations led by Sweeney that literally closed a bridges in New York, but he is also creating a metaphor to indicate that Sweeney is hurting rather than helping relationships with employers.

1960's would be able to gain power through Sweeney, but Sweeney's reputation as a pragmatist helped him maintain support from centrists (Mort, 1998). At the convention, Sweeney and Trunka prevailed over Donahue and Doug McCarron.

The new voices campaign reflects the tensions from its history. Like Reuther, Sweeney placed a high priority on organizing the unorganized and seeking a progressive social agenda. Like the early labor leaders, Sweeney and Donahue differed on the goals of the AFL-CIO. Should labor organizations serve all workers or merely those who were members? While Sweeney was focused on the future for the labor movement, Donahue represented the faction that sought a service unionism focused on providing benefits to current members.

Analysis of Organizational Structure

As mentioned earlier in the chapter, the desire for autonomy of the member trade organizations led to the creation of the AFL. The early organization adopted a decentralized structure in order to preserve the autonomy of the national and international unions. As did many AFL affiliates, the SEIU adopted a similar decentralized structure, but the SEIU did not have the same level of pressure to maintain the autonomy of affiliates. Hence, I argue that the structure of the SEIU give more power to the president and the international organization to control affiliates. In addition, the two organizations function as bureaucracies due to the structures they have adopted.

On the surface, the governance structures of the AFL-CIO and the SEIU are very similar. Both the AFL-CIO and the SEIU consider the convention of their respective

organizations to be the governing body of their organization (AFL-CIO, 2002a; Service Employees International Union, 1988; Service Employees International Union, 1992). The conventions for each organization, however, only meet every four years. If the president of either organization feels that a special issue needs to be addressed, the president may call a special session for his organization, but the special session is limited to issues defined for by the president. When conventions take place, each local affiliate and state or regional affiliates elect delegates to represent them at the convention.¹¹ The number of delegates that may be sent to each convention depends on the number of members in the affiliate. The greater the membership of the affiliate the more delegates the affiliate may send to the convention. The conventions use parliamentary procedures to structure the debate process and the president of each organization presides over their respective proceedings. All local and state affiliates which wish to present resolutions at the convention are required to submit them in advance of the convention by thirty days prior to the convention. If the resolution is sent after the deadline, the executive council of each organization decides whether to include the resolution in the new business or not.

At these conventions, the delegates elect officers. The rank and file are not only removed from the policy decisions, but they also have no direct vote in the election of the leadership. The SEIU delegates must choose a president, a secretary-treasurer, 42 vice presidents, and 42 board members. The SEIU's executive council is composed of

¹¹ In order to be eligible to be a delegate, the member must be in good standing with the union, which means that his/her dues are current and they have adhered to the rules/regulations of the organization. Along the same lines, an affiliate is in good standing if they are up to date on their per capita tax. An Affiliate that is not in good standing is not entitled to delegates at the conventions.

the president, secretary-treasurer, and the 42 vice presidents. The SEIU executive council serves as an advisory board to the president, who is also empowered to delegate to members of the executive council. In addition to the executive council, the SEIU has an executive board, which is comprised of the 42 board members. Ultimately, the president must answer to the board. The board is responsible for establishing rules and regulations, delegating powers, establish and/or approve salaries and trusts, initiate legal action, invest funds, manage property, borrow money, approve affiliations, set terms of affiliation, lend money, serve as an appellate court for internal disputes, and serve as the constitutional authority.

The AFL-CIO delegates elect a president, a secretary-treasurer, an executive vice-president, and 51 vice-presidents. The AFL-CIO's executive council is comprised of the president, secretary-treasurer, executive vice-president and 5 vice presidents. Unlike the SEIU, the AFL-CIO's executive council is not merely a source for delegation and advising. The AFL-CIO's executive council more closely resembles the executive board of the SEIU. The AFL-CIO's executive council serves as an appellate court, may remove any officer, is the constitutional authority, and is empowered to "take any action and render such decisions as may be necessary to carry out fully and adequately the decisions and instructions of the convention and to enforce ...this constitution" (AFL-CIO, 2002a, Article X).

Like the SEIU's board of directors, the executive council must be called twice a year. The AFL-CIO also differs from the SEIU in that the executive council may call a meeting of the general council, which includes not only the executive council but also all

of the presidents of national and international affiliates. A general council is called when a matter comes up that the executive council believes the national and international unions should be included in the decision making process. The executive council has full discretion in calling a general council.

The day to day power and decision making of both the SEIU and the AFL-CIO rests with the president of each organization. Since the infrequency of executive board/executive council meeting and the even rarer convention, the president must handle the majority of the decisions to be made. The president of the SEIU has considerably more power over affiliates than does the president of the AFL-CIO. The president of the SEIU has the deciding vote in cases of a tie at the convention. In addition, SEIU president must supervise and direct the affairs of the SEIU. The SEIU constitutions outline specific duties that he is obligated to fulfill. The president is charged with negotiating collective bargaining agreements that are national, regional or area-wide as well as heading organizing drives. The president must decide on points of law for local unions, which are subject to appeal by the executive council. He/she may employ staff and set salaries. He/she should monitor finances and call for audits when necessary. He/she may call for trusteeships when needed. The president also wields power over the secretary-treasurer in that the secretary treasurer may not issue any checks without the signature of the president.¹² All local unions and regional affiliates

¹² The secretary-treasurer serves mainly as a record keeper for both organizations. The secretary treasurer is charged with keeping minutes, official correspondence, issuing checks, keeping up with member records, auditing, etc. Should the president be unable to fulfill his/her term, the secretary-treasurer would fulfill the duties of both offices until the executive council or executive board appointed a replacement.

are subject to the direction and control of the SEIU, which falls mainly on the office of the president. In essence, the president of both organizations is very similar to a CEO.

The AFL-CIO including its president, however, may direct and control local unions affiliated with it. All national and international unions are not subject to or subordinate to the AFL-CIO and the lack of subordination are what distinguish the power of the SEIU and the SEIU president from the AFL-CIO and the AFL-CIO president. Like the SEIU president, much of the daily responsibilities of running the AFL-CIO fall on the shoulders of the AFL-CIO president. Like the SEIU, the president is to direct and supervise organizing drives, the affairs of the organization, meetings and conventions. The AFL-CIO also subjects the secretary-treasurer to the supervision of the president by requiring co-signatures on all checks. Unlike the SEIU, however, the AFL-CIO has an executive vice president whose sole purpose is to handle any responsibilities delegated by the president.

While the structures created by the two organizations allow for representation, these structures fail to provide democracy. While several scholars contend that U.S. labor unions either function as democracies or have the potential to function as democracies, in reality, the AFL-CIO and the SEIU more closely resemble bureaucracies (Faunce, 1962; Lipset, Trow, & Coleman, 1956; Stepan-Norris, 1997). As unions attempt to coordinate complex activities, organizations become more bureaucratic and the less democratic (Jarley, Fiorito & Delaney., 1997). Unions develop more structures to carry out these activities.

In each organization, the rank and file member is far removed from the decision making process. The greater formalization of rules, regulations and roles by the SEIU constitution indicates that the SEIU is even more bureaucratized than the AFL-CIO. The constitution even specifically calls for the establishment of “rules and regulations” by both the president and the executive council necessary to perform the duties specified by the constitution. The legitimation of creating “rules and regulations” by the constitution increases the power of the president and the executive board.

Opportunities and Barriers for Change

The AFL-CIO and the SEIU face many opportunities and barriers to change due to the philosophical tensions of the labor movement and their structure. The potential problems in creating change for unions are numerous. One barrier to change comes from the philosophy of the leadership of the executive council of the AFL-CIO, which has not seen much change in terms of the members of the executive council. Brecher and Costello (1999) note that the same people who were on these councils in the 1970’s and 1980’s during labor’s decline are still there today and are potential sources of resistance to change. Despite the lack of change in the executive council, the AFL-CIO has several indications of institutional changes taking place such as task forces, new institutes, centers, etc.

The structure of the AFL-CIO inhibits the success of organizing. While the AFL-CIO has trained over a thousand new organizers at the Organizing Institute each year and another 1000 college students with its Union Summer program, the AFL has

seen little growth in membership.¹³ Benson (1999) notes that despite the increase in professional organizers, the rank and file members need to be utilized in order to help labor increase in the numbers they seek. Slaughter (1999) notes that the culture of the AFL-CIO makes AFL-CIO led organizing exceedingly difficult to involve the rank and file. As Slaughter points out, people join unions not federations. Slaughter suggests organizing would be more successful if the union was involved more in the organizing drive because they could mobilize their members. The norm of the AFL-CIO, however, is that the AFL-CIO president does not tell or suggest to presidents of national and international unions how to conduct their union. Even if Sweeney did suggest how to conduct organizing, under the AFL-CIO constitution, the union presidents are not bound to follow his directives. As president of the SEIU, Sweeney had the authority to set policies and sanction locals who did not follow his organizing strategy, and as a result, the SEIU met its organizing goals.

Managing the tension between the philosophy of business unionism and service unionism will greatly aid the success of organizing. Both, the SEIU and the AFL-CIO as well as other unions could benefit from organizing white collar employees. Research has indicated that white-collar workers are exceedingly difficult to organize because they identify with management (Western, 1994). Yet, white-collar employees are vital to the survival of unions (Craver, 1993). Craver maintains that many white-collar employees are satisfied with their working conditions and lack motivation to organize. For white-collar employees, appeals for conventional union benefits, such as health care and

¹³ Union Summer is an internship program that gives college students the opportunity to work with labor organizers.

improved wages, are ineffective because white-collar employees already enjoy these benefits. Both white collar and service employees, who may or may not enjoy these benefits, are often dependent on employment for their survival, and employer threats that indicate unionization could lead to a loss of employment often squelches organizing attempts. Craver suggests that these groups would be more susceptible to joining for benefits such as workplace democracy, participation in decision-making, autonomy, advancement opportunities and protecting the rights of all workers-such as providing for greater employee dignity, health care coverage for all, protections from privacy intrusions like drug testing, etc.

The AFL-CIO's Blue Cross Blue Shield (BCBS) organizing drive illustrates the ineffectiveness of business unionism appeals on white collar workers. The BCBS campaign was not instigated by dissatisfied disgruntled workers, but rather, the AFL-CIO identified the company as a target for organizing. Northrup (1990) suggests that the AFL-CIO felt that BCBS could easily be organized because management would bend to corporate campaigns. The AFL-CIO is a very large customer for BCBS, and many union leaders sit on boards for BCBS. In addition, the AFL-CIO believed that BCBS would want to avoid negative publicity because BCBS is subject to state and Federal regulations. When the corporate campaign failed, the AFL-CIO launched an organizing drive. First of all, the AFL-CIO only identified 28,000 potential organizable workers when in reality over 100,000 employees were eligible (Northrup, 1990). Moreover, BCBS was known to treat employees fairly and pay workers at or above market

conditions. So the organizers' appeals to the workers on the basis of job security and fairness in promotions were ineffective to say the least.

While white-collar employees seek goals other than economic benefits from unions, women and minorities are more interested in economic benefits. Hurd and McElwaine (1988) argue that women are as likely as men to support unions. Organizers, however, have tried to focus on women's issues such as on site day care when organizing largely female based occupations, which ignores the fact that women are more interested in traditional union issues. Hurd and McElwaine explain that fear, union activity, and strikes are all potential reasons for resistance amongst women. Women in industries that have high levels of interaction with management such as clerical workers hesitate to join unions for fear that it will hurt or impede the relationships in the workplace. Moreover, Hurd and McElwaine show that women are more likely to organize in areas with high levels of unionization or a growing and expanding labor movement. Finally, women are less likely to join unions if the union is known for its propensity to strike or if recent strikes have taken place in the geographical area among other unions.

Despite these challenges, unions have been very successful at targeting women and minority workers who in elections support union recognition at a rate of 60 percent. Brecher and Costello note that the AFL-CIO's been able to create an image of inclusion in recent years which helps with female and minority recruitment. Linda Chavez Thompson, as a female and a Latina, prominent role as the executive vice president of the AFL-CIO as well as the Working Women's Institute help create an image of

inclusiveness as well as address the needs and concerns of female and minority workers. With over 70 percent of seniors either in or entering the workforce, and Craver (1993) suggests that unions need to seek seniors as vigilantly as they seek minorities and women.

Moving toward a social unionism is crucial for labor organizations in order for labor to become more vital force in the future. This requires that labor reject many strategies from the business unionism mindset. Hecksher (2001) argues that labor needs to adjust its strategy and account for market shifts. Labor's push for higher wages as a means of improving living standards for workers is flawed. The 1970's taught Americans that higher wages can bring crippling inflation and competitiveness. Moreover, Slaughter contends that defining the role of unions and employees in the workplace based on labor and management partnerships is problematic, and labor needs to reconceptualize the role of unions in the workplace (Slaughter, 1999). Defining union's work place role as creating partnerships with management is ineffective because management has long since rejected this partnership. As Gordon (1996) notes, the market rewards businesses, which create lean organizations rather than organizations, which create partnerships. Moreover, many employees do not want the responsibility and added workload of managing partnerships such as the workers at Levi Strauss. In addition to creating new roles for labor in the workplace, Labor organizations need to change the way they approach grievances. Problems are best solved before they reach the grievance stage.

Some changes are already taking place. Labor organizations are altering their relationship to the unorganized. As mentioned in chapter I the AFL-CIO has shifted to a social movement unionism that seeks to expand rights and benefits of all workers not just union members. In addition, labor needs to alter its interactions with politics. Certainly, Sweeney has been giving lip service to change, but few changes have taken place in the way the AFL-CIO chooses to support candidates. The AFL-CIO should be recognized for recruiting and training candidates which shows the some change in this aspect.

Despite these changes, unions suffer from a generally poor perception by the public. Craver argues that corruption problems in the past continue to follow unions while in reality the rate of corrupt union leaders is comparable to corrupt businessmen. In addition, the public perceives union work rules as decreasing productivity and forcing other workers to pick up the slack. Craver contends that unions could benefit from a campaign that emphasized the need of work rules to protect employer rights. Moreover, the public also often perceives that union wages are responsible for driving up prices on U.S. exports, and this price inflation contributes heavily towards the trade imbalance. Craver recommends that unions need to re-educate the public, and especially, point out that products that originate from unorganized industries are just as imbalanced as organized industries. Craver notes that unions need to provide the public with information and statistics that correct these misconceptions. Brecher and Costello point out that the AFL-CIO has yet to capitalize on alliances with non union organizations

such as the NAACP or AARP which could help improve these public perception problems.

CHAPTER III

POLITICAL, LEGAL AND SOCIETAL OPPORTUNITIES AND CONSTRAINTS

Introduction

As part of the labor movement, the SEIU and the AFL-CIO are bound by similar legal and political constraints as well as competing societal frames. In crafting rhetorical arguments, the SEIU and the AFL-CIO must consider both the constraints and opportunities from politics, law, and competing societal frames. This chapter outlines the legal and political structures that inhibit and provide opportunities for action as well as competing societal frames.

Struggle for Political and Legal Recognition

In the late 1800's and the early 1900's, labor struggled for recognition, from their employers, politicians, and the courts. Labor unions often fought long and violent struggles for recognition from employers such as the Haymarket Massacre, the Homestead strike, and the Pullman strike. Since the courts allowed employers to take advantage of workers and prevented and/or punished unions who exercised their rights, labor made a decision to work within the system rather than outside or against it.

In the 1800's, the labor movement had an ambitious legislative agenda to ensure the protection of workers. These goals included but were not limited to a shorter work day, a ban on tenement manufacturing, abolishing the practice of paying with company script, making it illegal to discriminate against union members, and regulating the coal payment rate. The labor movement was fairly successful in obtaining legislation

supporting these goals, but unfortunately, the true test of the success of legislation lies with the courts interpretation and the executive branch's enforcement of these laws (Forbath, 1991, p. 37-38). During the 19th century and the beginning of the 20th century, the courts interpreted the law to favor employers over labor unions and employees.

Until the 1840's, any collective action by laborers was considered to be illegal. At that time, the courts labeled collective action by laborers as a conspiracy. According to Justice, "A conspiracy is a combination of two or more persons who join together to harm the rights of society or other citizens" (1983, p. 8). Collective action was viewed as interfering with the employer's and the individual laborer's right to engage in contracts. Under this standard, any workers who joined together could be prosecuted. This standard was based on the case *Commonwealth v. Pullis* (1806) which applied the common law conspiracy standard to find the bootmakers and shoemakers union illegal. In 1842, a group of bootmakers again tried to organize, and they were indicted under the conspiracy doctrine. In *Commonwealth v. Hunt* (1842), the Supreme Court of Massachusetts, however, set aside this indictment, ruling that membership in a union was not criminal nor was bargaining for better wages and benefits as long as the unions used legal tactics in doing so. The court established an "ends/means" test, however, that allowed the courts to severely restrict union activity by scrutinizing the goals of collective action as well as the methods used to obtain those goals (Justice, 1983, p. 9).

Not only did the courts impose a strict "ends/means" test, the courts defined the employer/employee relationship as a "contract", and they strictly enforced contract law in favor of the employer. In addition, the appellate courts allowed employers to forgo

paying employees for work completed if the employee did not complete the full term of the contract. In *McMillan v. Vanderlip* (1815), Vanderlip had been hired by J & A McMillan Company to spin yarn at the rate of 3 cents per run for a term of 101/2 months. The jury awarded Vanderlip compensation for 845 runs, but the Supreme Court of New York ruled that since Vanderlip had only completed 11 weeks of employment he was not entitled to any compensation. In *Reab v. Moor* (1822), Reab had hired Moore to tend bar for a period of eight months at the rate of \$13 dollars per month. After 3 months, Moore tried to renegotiate the conditions of the contract, and Reab terminated his employment. The jury found that Moore was owed \$33.72 for his labor, but the Supreme Court of New York overturned this decision. The Supreme Court of New York held that Moore was owed nothing because he was the one who sought to alter the agreement (Orren, 1991, p. 86). Not only did the courts allow employers to avoid payment unless the full contract was completed; the courts allowed employers to avoid payment in cash in favor of company script. Despite a Pennsylvania statute, which mandated that iron mills pay in cash, *Godcharles v. Wigeman* overturned this law (Orren, 1991, p. 113).

Besides establishing employment as a contract, the courts viewed a worker's labor as "property". In *Re Jacobs*, the court struck down anti tenement laws because the court argued that the laws infringed on the rights of the individual to own and use his property (i.e. his own labor). The court contended that legislation forced Jacobs to leave his own shop to become employed in a Cigar Factory. In actuality, Jacobs was not a

self-employed cigar maker, and he probably fared better in a factory than in his home because the working conditions and pay were better (Forbath, 1991, p. 39-42).

In addition, the laws designed to protect the health and well being of workers were rarely enforced. In the 1840's and 1850's, laws were passed that prohibited children aged 10 and under from working and set limitations on the length of the workday for children over age 10. During this time, these laws were virtually ignored and rarely enforced (Orren, 1991, p. 61). Similarly, laws limiting the work day for adults to 10 hours a day were enacted during this time frame, and after the civil war, six states even passed legislation that would limit the working day to 8 hours. Despite these statutes, the adults suffered not only from a lack of enforcement, but the courts have often interpreted the laws in a manner that render them useless or allow the laws to be used against laborers. For example, the Connecticut Supreme Court took the position that the eight hour work day meant that the employer only had to pay the worker for eight hours of work unless the employee and employer had negotiated another arrangement (Orren, 1991, p. 61). The courts also did not hold employers responsible for injuries to employees incurred as a result of other employees. In *Farwell*, Massachusetts Chief Justice Shaw indicated that the plaintiff, an engineer, should have been aware of the risks associated with his job because his high salary was commensurate with the risks of the job. The employer would only be liable if the employer failed to properly train the employee who caused the accident or if the or if the injury was a result of new job conditions not included or implied in the original employment agreement (Orren, 1991, p. 110). Similarly, in 1841 and 1842 railroad

workers sued their employers over injuries sustained during their course of employment. The courts even acknowledged that the railroad was liable for their injuries, but the courts excused railroads from this liability because the courts maintained that contracts negated this liability. The courts argued that employment was a contract, and the workers had freely accepted the contract and the conditions of employment. The court argued that practical workers would seek higher compensation for the physical risk experienced on the job (Perrow, 2002). Today, employees would be entitled to workers compensation for any injury that resulted as out of and in the course of employment (Willborn, Schwab, & Burton, 1998).

Re Jacobs was important in shaping the views of Samuel Gompers. Gompers was the president of the Cigar Makers Union at the time of *Re Jacobs*, and this case illustrated to Gompers the limited power of legislation. Adolph Strausser, Gompers's mentor believed that legislation was futile, and he suggested that state and National constitutions would have to be amended before legislation would hold any teeth (Forbath, 1991, p. 55). Not only did the court fail to uphold legislation, the court also consistently limited collective action through the use of arrest and injunction.

Moreover, judges used the principles of common law to extend statutes regarding conspiracy and champerty to outlaw labor actions such as strikes.¹⁴ In 1871, the court began to apply enticement statutes to organized labor action. Originally, enticement statutes forbade employers from trying to deprive or try to deprive the original employer from the services of the employees but judges extended these statutes to cover organized

¹⁴ Champerty is helping with a lawsuit for the purpose of self-gain.

labor (Orren, 1991, 106). In *Walker v. Cronin*, a labor leader Cronin was sued for inciting a strike amongst the 45 shoemakers for the purpose of obtaining higher pay. The court found for the plaintiff because the strike denied the shoe manufacturer of labor and impeded the employment relationship (Orren, 1991, p. 123). In *Carew v. Rutherford*, the Journeymen Freestone Cutters Association (JFCA) charged Carew with a \$500 fine for violating the union rules by shipping limestone to New York and hiring New York stonecutters to cut limestone for a Roman Catholic church in Boston, MA. Carew refused to pay the \$500, and several stonecutters walked out in an effort to make him pay the fine. Carew filed suit against four of the stonecutters and the JFCA for trying to manipulate him into paying the fine by getting his workers to leave or threaten to leave work. The court found for Carew on the basis that collecting the fine in this manner was enticement (Orren, 1991, p. 125).

In *Webber v. Barry*, Webber sued Barry because Barry led a group of strikers onto the property of a salt mill. Barry then went inside to speak to the employees, and the strikers shut down the furnaces. As a result, a fire broke out in the mill. Webber charged that Barry was inciting his workers, but Barry countered that because a place of business is open to the public, he did nothing wrong. *Webber v. Barry* established that individuals do not have the right to enter a place of business for the purpose of provoking a strike and denying the employer the access to labor for purposes such as working conditions or higher wages (Orren, 1991, p. 130). *Jersey City Printing Co. v. Cassidy* expanded the enticement statutes to cover not only existing employees but job applicants as well. In this case, strikers offered to pay transportation expenses home for

individuals who came to the plant looking to replace the strikers, and the strikers also called the job hunters scabs. The judge ruled that the employers had a right to expect access to new workers, and the strikers were limiting this access.

Since the courts would enjoin workers for trespassing, striking and violence, the unions sought other means of obtaining their goals such as boycotts. But, trespass, strike or violence, however, was not required for the courts to set limitations on the actions of unions. By 1900, strikes had become pretty much legal, and only a handful of strikes resulted in charges. From 1880-1930, approximately 4300 cases were brought to trial (Forbath, 1991, p. 55). Even though strikes were legal, union orchestrated strikes and boycotts posed a particularly repugnant threat for business because whole communities and national labor organizations would oppose one company (Forbath, 1991, p. 63). The courts were particularly irritated by the higher moral order, which labor claimed and the defiance to government that labor displayed. This defiance only led the courts to crack down even harder on labor organizations (Forbath, 1991, p. 65). The National Stone Cutters' Union (NSCU) in Ryegate, VT had decided to refrain from working for non-union employers. The NSCU published the names of these companies as well as any members who maintained employment with the non-union firms. The union leaders were arrested and charged with conspiracy for the practice of publishing names. In 1887, *State v. Stewart* protested that the conspiracy statute for which they were being tried under was intended for violent actions like a recent railroad riot, but the judge disputed this claim suggesting that mental attempts to intimidate were just as dangerous as physical attempts (Orren, 1991, p. 131). The courts also extended enticement statutes

to cover secondary peaceable boycotts as in the case of *Purvis v. United Brotherhood*. Members of the local United Brotherhood of Carpenters and Joiners (UBCJ) refused to work using lumber from the Purvis Mill because Purvis was non-union. The court found that the UBCJ was guilty of enticement because the members were illegally withholding labor in an attempt to coerce the contractor to stop using Purvis Lumber. The court also explained that the members were following the rules of UBCJ, which was why the UBCJ was held responsible versus the individual members who refused to work (Orren, 1991, p. 138-9). In 1894, the Essex Trades Council, an alliance of 18 unions in Newark, NJ, distributed a weekly list of employers who were worthy of union support. The *Newark Times* and its advertisers became the subject of a boycott by the Council due to the introduction of the preset plate in the paper's production. The courts determined that the Essex Trades Council had coerced members by fear which they loosely defined as getting someone to do something that they otherwise would not have done (Orren, 1991, p. 141).

Not only did the courts apply enticement and conspiracy charges against labor organizations, but also the courts would often enjoin strikes, pickets, boycotts, etc. If labor failed to follow the injunction, the courts would have the violators arrested for contempt of court. Although the violators were routinely arrested, very few actually served time for violating injunctions. For example, the 1917 Chicago Ladies Garment Workers strike led to over 1000 arrests of picketers while only 5 labor leaders served sentences (Forbath, 1991, p. 106-108).¹⁵ In 1877, the courts began issuing injunctions

¹⁵ These sentences were one to two and a half months long.

for strikes against railroads in receivership. The Interstate Commerce Act of 1888 allowed the courts to enjoin struck railroad lines whether or not they were in receivership (Forbath, 1991, p. 67-69). The Sherman Anti Trust Act of 1890 allowed courts to further expand their power to enjoin collective action in other industries. The Sherman Anti-Trust Act of 1890 was originally intended to curb monopolies and forbid interference in inter-state trade and commerce. For example, the courts applied the Sherman Anti Trust Act to striking New Orleans long shoremen because the strike prevented trade to several states as well as foreign countries (Forbath, 1991, p. 71). The courts used the Sherman act to award damages to employers when unions engaged in peaceful boycotts against non-union employers as in the *Danbury Hatters Case* (1908).

Not only did the court provide injunctions for collective action, but the courts also overturned laws that prevented strikebreakers and private police from breaking up collective action. Employers preferred to use private police and strikebreakers to law enforcement because they were more reliable in successfully breaking a strike (Forbath, 1991, p. 111). In Pennsylvania, a local Justice of the Peace was enjoined by Federal courts from issuing warrants to arrest illegal strikebreakers. Similarly, a West Virginia Justice of the Peace was enjoined from hearing criminal charges against private police. The City council of Duluth was enjoined from publicizing a boycott while mayors in New Jersey and New York as well as the Mayor of Cleveland were enjoined from prohibiting out of state strikebreakers (Forbath, 1991, p. 103-104). During the Harriman Line Strike of 1913, a judge actually went so far as to deputize strikebreakers. This action was usually limited to mine and railway strikes (Forbath, 1991, p. 112).

The judiciary essentially remained a moving target that denied workers protection. While the courts recognized the legality of the strike, the courts severely limited labors' ability to engage in strikes by ruling that the reasons or methods for the strikes were illegal. In addition, the courts labeled employment as a contract, and a worker's label as property, which allowed a number of early labor laws to be overturned. In addition, contract law was used as a justification to free employers from responsibility for the safety of their employees. The courts also applied enticement statutes, which were originally intended to prevent a competitor from depriving another employer his workforce, and trespassing statutes. Finally, the courts liberally interpreted the interstate trade provisions to protect employers from striking workers.

The Principle of Voluntarism

The AFL and other labor organizations sought freedom from the oppression placed on them by the judiciary's use of injunction. The futility of legislation and the judiciary's use of injunction led Gompers and the AFL to support a strategy of voluntarism rather than try to form a labor political party. Voluntarism holds that labor functions best when labor and business are left to negotiate without the interference of government. A voluntarism platform calls for minimal legislation. Legislation is permissible for the purpose of protecting dependent groups such as women and children who aren't able to negotiate the same wage and hour reforms as skilled laborers (Forbath, 1991, p. 55). The adoption of the voluntarism platform marks a distinct tactics of the labor movement. The labor movement no longer sought to work within in the

legislative system to obtain its goals, but rather sought protection through the use of contracts.

While the AFL sought a voluntarism platform, ironically, they needed legislation that would guarantee the rights to bargain collectively. Labor adopted the language of the courts in order to obtain this legislation. Labor demanded the same freedom of contract that employers enjoyed, and they suggested that violating the freedom to contract interfered with capitalism. In 1910, Justice Holmes and a few state and federal justices began to openly endorse labor's call for equal rights (Forbath, 1991, p. 132-133). Labor also argued that the court-imposed anti-strike policy treated labor as slaves and violated the 13th amendment (Forbath, 1991, p. 136-137). In addition, labor argued that the courts favored property rights to the 1st amendment (Forbath, 1991, p. 140). Unfortunately, labor would have to work continuously for more than 40 years before legislation was passed that would meet their goals and withstand judicial review.

In 1898, the Erdman Act attempted to establish the Interstate Commerce Commissioner and the Labor Commissioner as joint mediators in labor disputes, and either party in the dispute could request this intervention. This act was problematic for several reasons. First, the Erdman Act only applied to the early stages of labor disputes. More importantly, labor wanted to be free of government intervention in labor disputes, and the Erdman Act could have potentially legitimized and institutionalized a role for government in labor disputes. In addition, the Supreme Court found that section 10 of the Erdman Act violated the 5th amendment right of employers to discharge employees at will (Orren, 1991, p. 185).

The Clayton Act of 1914 attempted to make collective action legal. First of all, section 6 attempted to establish that labor was not a commodity. Secondly, section 20 forbade injunctions on collective labor action such as strikes, boycotts, blacklists and picketing (Orren, 1991, p. 187). Section 20, however, did permit injunctions if they were necessary to prevent injury to property or protect property rights. In addition, collective action was only permissible for the purpose of improving working conditions or wages. Collective action was still illegal for other issues such as union recognition or work rules. Moreover, collective action was legal only for individuals employed with the company, which was the subject of the action. When employers replaced strikers with scabs, and the strikers were no longer employees, the court could issue an injunction against the strikers (Forbath, 1991, p. 156-158).

Labor would have to wait more than fifteen years before further legislation would attempt to establish protections for labor. In 1932, The Norris LaGuardia Act prohibited the use of temporary or permanent injunctions in non-violent labor disputes. The Norris La-Guardia Act specifically classified picketing and work stoppages as protected union activities. The Norris LaGuardia act was particularly important because it established the neutrality of government in labor politics (Leslie, 2000). The ability of labor to achieve its goals politically has been compromised by the decision to hold to the principle of voluntarism instead of forging a labor party.

Shortly after the passage of the Norris LaGuardia Act, the National Industrial Recovery Act of 1933 (NIRA) attempted to guarantee the rights of workers to organize and bargain collectively in section 7(a). A National Labor Relations Board (NLRB),

formed by President Franklin Roosevelt, was charged with overseeing labor policy established by the NIRA, but the board lacked enforcement capabilities. Hence, the board only succeeded if the employer voluntarily submitted to its rulings. Without the enforcement mechanisms, the NIRA was virtually useless. In 1934, Congress attempted to correct the NLRB's enforcement difficulties by passing a joint resolution that granted authority to the NLRB to enforce section 7(a) of the NIRA. The protections granted by the NIRA would soon be lost. In *Schechter Poultry Corp. v. U. S.*, the Supreme Court deemed the NIRA unconstitutional because some sections regulated business that was not related to interstate commerce. While section 7(a) was did not violate the constitution, the whole act was overturned, and workers were once again without protection (Justice, 1983).

The Right to Bargain Collectively

Labor did not have to wait long before they were granted the protections they sought. The National Labor Relations Act of 1935, also known as the Wagner Act, guaranteed the “the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection” (NLRA, 1935, Section 7). In addition, the Wagner Act prohibited the following “unfair labor practices”: 1) interfering with self-organizing, 2) dominating or interfering with formation and administration of unions, 3) discriminating in order to encourage or discourage union membership, 4) discriminating due to the filing of unfair labor practice charges or giving testimony, and 5) refusing to bargain with elected

representatives. The Wagner Act established a National Labor Relations Board to oversee and enforce the provisions of the act. The Wagner Act did not completely fulfill its promises to labor until the Supreme Court case: *NLRB v. Laughlin Steel Corp.* (1937) upheld the Wagner Act. Now, labor truly had the right to bargain collectively

Justice argues that the Wagner Act was passed not for the purpose of protecting unions, but as an economic stimulus (1983). By recognizing unions, Congress hoped that the unions would stabilize businesses by creating restraints on their practices. Justice argues that restraint by unions allowed the government to avoid establishing regulations concerning wages and health/safety protections, which was preferable because the government could avoid regulation and financial responsibility.

Anti-Union Legislation

The Taft Hartley Act of 1947 signaled a new anti-union attitude. Anti-union legislation would decrease the power of unions in the collective bargaining process. This anti-union stance would lead to further anti-union legislation including the Laundrum-Griffen Act and the inability of labor to pass pro-union legislation. While the Wagner Act provided protection for unions, employers complained that the Wagner Act failed to protect them from the power of unions. In 1947, the Taft-Hartley Act, formally the Labor Management Relations Act, restricted the new power of unions by forbidding secondary boycotts, jurisdictional strikes over work assignments, strikes to force an employer to discharge employees due to the union affiliation or lack of (Leslie, 2000). In addition, the Taft-Hartley act granted the NLRB the authority to enforce the provisions of the act. The Taft-Hartley act grants the authority for federal courts to

enforce collective bargaining agreements and allows injured parties from secondary boycotts to seek civil damages. In addition, the Taft-Hartley Act excludes independent contractors and supervisors from the protections guaranteed by the Wagner Act.

Despite protections for unions and employers, the individual worker had yet to receive any protection. The Landrum-Griffin act, officially the Labor Management Reporting and Disclosure Act of 1959, attempted to correct corruption and lack of democracy that took place in some unions (Justice, 1983; Leslie, 2000). The Landrum-Griffin act established a union member bill of rights as well as mandating financial disclosure. Despite the changing economic environment, labor law has not been updated since the passage of the Landrum-Griffin Act despite the attempts of the AFL-CIO, SEIU and other unions.

More importantly, labor law has not been updated in favor of unions since the passage of the Wagner Act in 1935. Not only did the Taft-Hartley Act limit the power of unions, the interpretation of the Wagner Act, the Taft-Hartley Act and the Landrum-Griffin Act by the NLRB and the courts has further restricted union activity. The Wagner Act only requires that employers recognize the right of elected union representatives to bargain collectively on behalf of the employees. The Wagner Act does not regulate the terms or conditions of the bargaining process nor does the Wagner Act specify that either party must reach an agreement (Craver, 1993). In *NLRB v Mackay Radio & Telegraph*, the courts ruled that employers have the right to hire replacements for strikers in order that they may continue to run their business. The courts, however, maintained that despite the replacement of the strikers, the strikers

maintain their employment status, and after the strike is over, the strikers should be the first to fill any vacancies. Some businesses tried to entice workers to cross the picket line by offering extra benefits like twenty years of seniority to scabs, but in the 1963 *Erie Ressoritor* case, the court deemed this practice “unfair.” In *Trans World Airlines v. Independent Federation of Flight Attendants*, the courts ruled that strikebreakers who were promoted to higher positions due to vacancies as a result of the strike were entitled to retain their new positions once the strikers returned to work. *Maintance Corp. v. NLRB* establishes that employers are not obligated to discuss closings of operations with union as part of the collective bargaining process. The *Dubuque Packing Co.* case does specify, however, that when transferring operations to another location and the current employees could satisfy the needs of the employer, employers must give unions an opportunity to negotiate.

Several amendments to the Wagner Act and the Taft-Hartley Act would help rebalance the power of labor against the power of business (Craver, 1993). Labor law needs to account for economic realities that disadvantage low level supervisors, who are removed from job condition decision making, and contract workers to grant them the same opportunities for representation and collective bargaining. Secondly, labor law should prohibit employers from attempting to threaten job security as means to prevent unionization. In addition, the use of replacement workers should be limited to temporary replacement workers and managerial employees. According to Craver, this compromise would allow businesses to continue their operations under strike conditions, but strikers would be able to return to their jobs and decrease their reluctance to use strike as a

bargaining tool. Guaranteeing a striker's right to return to his/her job is not enough, however, because if businesses are able to produce products/services and maintain their sales, strikes are not persuasive tools. The reinstatement of the secondary boycott would help balance labor's position against replacement workers. Finally, Craver recommends that labor law not restrict the topics to which employees may bargain collectively.

Despite the ban on boycotts, unions do have a legal alternative to gain employer compliance. The corporate campaign remains one of labor's most viable means of persuasion. Corporate campaigns do not risk the financial security of union members. Corporate campaigns are not prohibited under labor law. Corporate campaigns are often highly persuasive as companies work to maintain their public image in order to retain their legitimacy (Craver, 1993).

Labor and the Democrats

Despite labor's inability to update labor law, labor has been able to help achieve other legislative goals especially social reform due to the relationship of unions with the Democratic Party. During Meany's term as head of the AFL-CIO, the Democrats and labor had a strong relationship even though the AFL-CIO gave lip service to being non-partisan (Dark, 1999, p. 79).¹⁶ Democrats often turned to labor for help in passing legislation because labor could deliver votes and organizational support such as office space, phone banks, copying services, etc. In addition, labor often served as a bridge between executive and legislative branches of the government. For example, Lyndon Johnson did not have the votes to pass social reform legislation such as Medicare and

¹⁶ By denying partisanship, the AFL-CIO leadership hoped to obscure a self-serving alliance and avoid responsibility to membership.

civil rights.¹⁷ Labor could often deliver the votes that he lacked by lobbying members of Congress. When the tables were reversed and labor sought help with their legislative agenda, Neither Democratic President Johnson or Carter could deliver enough Congressional support to pass legislation that would alter labor law such as attempts to overturn portions of the Taft-Hartley Act like the ban on secondary boycotts.

In return for labor's support, the Democratic Party would consult with labor before nominations of President and vice-president candidates. The Democrats did not allow labor to hand pick the Democratic candidates, but they gave labor opportunity to express concerns about particular candidates and addressed their concerns (Dark, 1999, p. 51-52). But the strength of labor's relationship with the Democrats has deteriorated due to several political system reforms that have taken place in the last half of the 20th century.

Declining Political Clout

1972 plays a pivotal role in the decline of labor's political clout. The change in the process of presidential nominations in the Democratic Party and Meany's refusal to endorse a candidate would forever weaken the influence of the AFL-CIO. Prior to 1972, party leaders would select delegates to the Democratic convention based on their reliability to faithfully follow the wishes of the party.¹⁸ This meant that labor leaders could bargain directly with the power elite to broker deals that forwarded their goals. Beginning in 1972, all states had to either hold direct primaries or caucuses that were

¹⁷ The alliances between Johnson and labor, however, often broke down when non economic issues were involved such as civil rights, which labor opposed.

¹⁸ Except in 16 states that had direct primaries.

open to all party members. This meant that the labor leaders could no longer control the nomination process as they had in the past.

To make matters worse, the AFL-CIO refused to endorse a candidate in 1972. From the primaries and caucuses, George McGovern was the clear leader for the nomination, but Meany refused to endorse him because he had been instrumental in instituting the nomination reforms. In trying to punish McGovern, Meany declared that the AFL-CIO would remain neutral. In reality, Meany was planning to use elected delegates in caucuses where uncommitted local union leaders would often be elected as delegates. These supposedly uncommitted delegates would then follow the direction of the AFL-CIO. Since the AFL-CIO decided to remain neutral, many of the national and international member unions decided to endorse candidates of their choice. So the member unions power increased, while the AFL-CIO's power decreased as the member unions began to independently chart their political course (Dark, 1999; Form, 1995). The labor movement did not learn from the election of 1972. In other election years such as 1976, 1988 and 1992, the difference in preferences of member unions again prevented the AFL-CIO from endorsing a candidate early on. By waiting to endorse a candidate, a large number of union members were elected as delegates at the National Convention, but the fragmentation of labor limited their ability to bargain (Dark, 1999).

The AFL-CIO not only lost their power base in the Democratic presidential nominating process but also in Congress as well. In the 1960's, many liberal members of Congress were frustrated by the control held by committee chairs. The committee chairs tended to be senior members of Congress who were conservative Democrats. In

addition, the control of Congress was decentralized and had to be brokered amongst the various committee chairs. Changes to many of the rules in Congress were suggested to consolidate power for liberal democrats. But the redistribution of power led to gridlock and partisanship. As a result, the AFL-CIO could no longer bargain with power elites, the committee chairs, as they once had. Dark argues that the loss of power led conservatives to move out of unions in order to form their own special interest groups, which compete for legislators' attention.

The 1994 Election

Even though labor had significant barriers to meeting their legislative goal, the loss of Democratic control of Congress in 1994 was particularly damaging for labor because the Democrats were able to block proposed legislation that would undermine or harm labor. As mentioned in the previous chapter, the results of the 1994 election led to the regime change at the AFL-CIO. But at least with a Democratic President, Clinton could minimize damaging legislation with a veto (Katzin, 1999). As mentioned earlier, this political loss under the leadership of Lane Kirkland is what ultimately led to the forming of the New Voices campaign and the election of John Sweeney. By 1996, the political climate had improved because the Democrats had regained control of Congress. In 2000, labor suffered another blow when Bush assumed the Presidency, but the Republican-controlled Congress in 2002 really sent labor into a tail spin ("Palace Coup", 2003). Sweeney, who came to power amidst the political upheaval of the 1994 election, was strongly criticized for building a large expensive political bureaucracy that failed to deliver.

In an ideal world, a labor party could help secure a more powerful position for labor in the political world. Unfortunately, the opportunity for a labor party has most likely come and gone. Even though third parties have unintended influences on election outcomes, the failure of the Green Party in the 2000 election and the Reform Party in the 1992 election to garner enough votes to even receive federal electoral funds indicates the lack of viability of a third party. Moreover, the declining membership of the AFL-CIO during the 1980's and the 1990's combined with Sweeney's inability to initiate substantial increases in the membership of the AFL-CIO leaves the AFL-CIO without a sufficient base on which to build a third party. In addition, the voting patterns of both individuals and national/international union members, often fail to conform to the endorsements of the AFL-CIO as evidenced by the 1980, 1984, 1988, and 2002 elections. The research of the AFL-CIO from the 2002 election indicates that union voters did not vote for Democratic candidates because they felt that neither party had an answer to the economy, but at least the Republicans had a solution for the problems with Iraq (AFL-CIO, 2002b). Moreover, Ra's research indicates that union members only vote the AFL-CIO endorsements if they have a strong identification with the candidate (1978).

Brecher and Costello argue that the best opportunity for labor politically is to focus more on recruiting and training their own Democratic candidates (1999). Although Sweeney has indicated that the AFL-CIO will not support candidates who do not support labor policies, the AFL-CIO continues to fund candidates with poor voting records because the Republican opposition would be an even worse reality. As a result,

the AFL-CIO spends an enormous amount of money with little in return. As mentioned in chapter II, labor has had a few successes on this front so far. The real question is whether this strategy would be viable on a large scale.

Competing Societal Frames

As mentioned in Chapter II, labor unions must deal with several perception problems. Unions are viewed as corrupt. Moreover, people often attribute work slow downs, which decrease productivity, to unions. Not only does labor have to contend with poor image problems, but cultural frames may obscure or provide support for new frames. In the case of labor, the family value frame, the capitalism/freemarket frame, and the labor law alternative frame threaten to obscure labor while the rights frame offers much needed support for labor.

In our global society, capitalism and the free market serve as god terms that allow corporations and governments to privilege activities that promote capitalism and free markets over the needs of workers. Gordon contends that current economic theory provides a veil for corporations to hide their behavior behind and it blames the victim for changing economic circumstances (1996). One way economic theory hides their behavior is that economists falsely reduce issues economic as well as social to a matter of rational choice (Aune, 2001). For example, globalization is often explained as arising in response to the ceiling on the consumption of goods in the United States during the 1970's in order to increase the markets available U. S. corporations (Bellofiore, 1999). Moreover, Krugman contends that economists are inconsistent in their use of statistics

(1994). Krugman suggests that economists use statistics deceptively and inaccurately to prove their point.

The preferential treatment that the free market and capitalism enjoys can be witnessed in the policies of the International Monetary Fund (IMF). Britain and the United States as principle sources of funds for the IMF and the World Bank have a great deal of influence in both these organizations. As a result, during the 1980's the IMF and to some extent the World Bank adopted a free market ideology. The advantage of the free market ideology was that by spreading capitalism to other nations, the United States could increase the demand for its goods. As a condition of receiving funds from the IMF, countries must follow the recommendations of the IMF, which usually support a free market. The problem lies in that these recommendations often destabilize the economy of the country (Stiglitz, 2003). Stiglitz argues that these countries would be better off moving more slowly from a socialized market to a capitalistic market overtime. The Soviet Union is evidence of the havoc to a nation's economy when an abrupt transition to democracy and capitalism takes place. Other countries such as Kenya are evidence of the ability for socialist policies such as government regulation to aid countries in rebuilding their economy while transitioning to capitalism. These countries, however, will not receive these funds if they do not adhere to IMF policies. The policies of the IMF and the World Bank are evidence of the blind faith that many people around the globe put in capitalism and the free market.

In addition to the free market and capitalism frame, labor's legitimacy in obtaining worker protections has been challenged by the passage of labor law. Since the

early days of the labor movement, law has been looked to as a remedy for workers.

Uriah Stevens, the first national leader of the Knights of Labor, suggested that legislation could solve all the problems that faced labor. Bennett and Taylor (2001) contend that declining unionism correlates with increasing government regulation. Bennett and Taylor argue that benefits such as shorter hours, worker's compensation, unemployment insurance, pensions, safe working conditions once only granted to union members are now provided to everyone through law. While some benefits are not guaranteed to everyone through legislation such as health care and higher wages, the benefits of joining a union compared to the costs of dues has been reduced significantly through the passage of labor law. With the success of labor law, many seek law as the answer to remaining issues for labor.

The frame of rights offers a potential opportunities and constraints for the AFL-CIO and the SEIU to identify with the audience. Foweraker and Landman suggests that social movements that are successful draw on the promises of citizenship and democracy (1997). Foweraker and Landman argue that rights arguments provide social movements with a common language, which serves as a uniting force. Citizenship is another way to conceive of rights. Johnston and Klandermans (1995) suggests that traditional citizenship is composed of a triad of civil, political and social welfare rights. One of the greatest promises of citizenship is the guarantee of civil rights, often referred to individual rights. Ironically, individuals participate in collective action in order to seek individual rights. Political rights are electoral rights or rather the right to vote and participate in the political system. Social welfare rights include enabling individuals to

meet their family needs and providing social insurance such as welfare. Johnston and Klandermans contends that three other components to citizenship exist: educational, economic, and cultural. Johnston and Klandermans argues that education is crucial to the ability of individuals to exercise the other aspects of citizenship, and hence, he includes education as a citizenship component.

Economic citizenship is the ability of the individual to have personal autonomy and economic security. In order to establish economic citizenship for the masses, often, collective action or legal protections are necessary. Economic citizenship is challenging because it conflicts with private ownership and property rights. This tension is inherent between capitalism and democracy, and the boundaries between these two must be negotiated publicly. Appeals to economic citizenship rights are often the most difficult and the most important to success. Finally, cultural citizenship is the idea that groups should have the ability to express their identities and be recognized for their membership in public life. Johnston and Klandermans argues that successful social movements appeal or use one of these aspects of citizenship/rights to contest traditional frames and reshape public spaces.

Conclusion

Creating change within either the AFL-CIO or the SEIU can be a very complicated and difficult task. Both organizations face similar constraints and opportunities from the political and legal arena and societal frames. The AFL-CIO faces even greater difficulties than the SEIU because of the lack of power over national and international member unions. The decentralized control of the AFL-CIO can slow down

or stop change processes. Hence, the use of rhetoric by change agents such as Sweeney is truly pivotal in making change take place.

CHAPTER IV

THE RHETORIC OF THE SEIU

Introduction

One of the methods Sweeney has used to publicize his rhetoric is to publish it in book formats. As president of the SEIU, Sweeney co-authored *Solutions for the New Work Force: Policies for a New Social Contract* with Karen Nussbaum, director of the AFL-CIO'S Working Women department and former Department of Labor Women's Bureau director. The identification strategies found in this books is very similar, and but the changes in strategies are poor choices for Sweeney at the AFL-CIO.

In *Union* and *Update* are two internal SEIU publications, which feature columns from Sweeney in each issue. Chapter IV will examine the SEIU audience, and his identification strategies while president of the SEIU. Chapter V will focus on the AFL-CIO's audience as well as the quality of identification at the AFL-CIO.

Audience

In order to understand Sweeney's audience at the SEIU, we must first explore the history of the SEIU.¹⁹ The history of the SEIU established a value for political activity, diversity, legitimacy and organizing. Shortly after the founding of the Building Service Employees International Union (BSEIU), the wrongful imprisonment of BSEIU leaders would establish a need for political activity²⁰. In 1921, 7 local janitor unions from Boston, Seattle, Chicago, St. Louis, and New York joined together to form the Building

¹⁹ The only available history of the SEIU is *A Need for Valor*. This history is put together by two labor historians, Grace Palladino and Pat Cooper, along with two SEIU staff members, Peter Pieragostini and Tom Beadling. Although produced internally by the SEIU, this account can provide an overall history of the organization.

²⁰ The BSEIU would later become known as the SEIU.

Service Employees International Union (BSEIU). William Quesse, president of the Chicago Flat Janitors, was elected the BSEIU's first president and Claude Peters, from the Chicago flat janitors, served as secretary treasurer. At the time, even though only 7 locals composed the new international with a total membership of 2900, but by 1923, 40 locals belonged to the BSEIU. Shortly after BSEIU was formed, Quesse and nine members were accused of extortion, conspiracy, bombing, and criminal mischief. In 1922, they were convicted of "conspiracy".²¹ Luckily, Quesse and the others received a pardon from Governor Small due to the political support of BSEIU local 1, which was pivotal in his election. This pardon helped to establish political action as a priority for BSEIU.

In 1935, the BSEIU suffered from image problems when the executive council appointed Scalise, a known gangster, as president. Scalise's presidency caused a great deal of turmoil within the BSEIU, and a number of locals seceded to become independent unions. Luckily in 1940, Scalise was arrested for extortion, and was convicted on a lesser charges of forgery and embezzlement. The William McFeteridge replaced Scalise, and he immediately set out to increase the legitimacy of the BSEIU that was lost during Scalise's presidency. McFeteridge established standardized record keeping practices and suspended locals with racketeering problems.

In addition to increasing the legitimacy of the BSEIU, McFeteridge expanded the scope of organizing for the BSEIU. In 1946, McFeteridge announced plans to expand the BSEIU by organizing hospital and nursing home staff. At this time, most previous

²¹ At the time, union activity was often considered illegal.

attempts to organize health care workers were largely unsuccessful although a few hospitals such as the San Francisco General Hospital were successfully organized. In the 1950's, some of the BSEIU jobs began to be threatened by changes in technology such as the development of the self-service elevator. The BSEIU initially fought the introduction of new technology in an effort to maintain their constituents, but by 1956, the BSEIU altered their tactics. McFeteridge and other BSEIU leaders recognized that changing technology was inevitable, and BSEIU would be better served to organize new industries to maintain growth such as greenhouses, atomic plants, nonacademic school employees, and bowling alley employees.

Not only was McFeteridge committed to legitimacy and organizing at the BSEIU, he sought to improve the BSEIU's communication. McFeteridge also established a research department in Washington, DC, and in 1945, the research was made available to locals in the "Report to Locals." McFeteridge also increased communication with the locals by launching "Keeping Records Straight," a manual to aid locals in record keeping. In 1951, more than 18 locals distributed their own newsletters to members, which was edited by Tom Donahue.²²

During the late 40's and early 50's, McFeteridge's influence grew in the national labor movement, and his influence elevated the influence of the BSEIU. In 1949, McFeteridge was appointed as the United States Representative to the International labor conference in Switzerland. In 1950, McFeteridge was offered a seat on the AFL executive council. In addition, McFeteridge established a separate Washington, DC

²² Tom Donahue would later become the secretary-treasurer under AFL-CIO president Lane Kirkland.

office for legislative affairs headed by Joseph Coakley. In 1960, McFeteridge decided not to seek re-election, and he supported BSEIU presidential candidate David Sullivan, president of a New York local.²³ Sullivan was unanimously elected the new president of BSEIU, and he selected Tom Donahue to serve as his executive assistant.²⁴

Sullivan's presidency continued to advance the BSEIU by promoting non-building service members and legislation. The first issue of Building Service Employee, the BSEIU newsletter, released after Sullivan took office, dropped Building from the title. BSEIU would later officially drop building from the union name in 1968.

Dropping the "building" from the name was symbolic of the increasing diversity of the membership of the SEIU. In addition to creating a more inclusive image, Sullivan had an ambitious social legislative agenda including shorter workweek, job retraining, and unemployment benefits. To help accomplish these goals, Sullivan moved the BSEIU headquarters from Chicago to Washington, DC in 1963. The new headquarters were only a few blocks away from the AFL-CIO headquarters, which also increased the access and influence of the BSEIU to the AFL-CIO. By 1964, the BSEIU had grown to 515,000 members. Due in part to the efforts of Sullivan, the Fair Labor Standards Act was amended in 1966 to include protections for hospital and nursing home workers as well as educational employees. In 1971, Sullivan retired and was replaced by George Hardy, who was responsible for heading the organizing of California BSEIU locals.

²³ McFeteridge supported Sullivan because he erroneously believed that Sullivan would defer to his judgment, but Sullivan quickly established that he intended to chart his own path. As a result, the relationship between McFeteridge and Sullivan was strained to say the least.

²⁴ In 1967, Donahue left the BSEIU to serve as assistant labor secretary, and he was replaced by Tony Weinlein.

Hardy placed an emphasis on organizing in his role of SEIU president, and he called for a doubling of SEIU membership. He produced a stewards manual to aid in this process, and he established Eastern, Central and Canadian conferences.²⁵ In 1974, Hardy also established industry specific conferences to aid organizing. In 1980, Hardy retired and John Sweeney replaced him.

Sweeney continued the organizing push established by Hardy. In 1982, the SEIU expanded organizing efforts to include clerical employees and public employees. Sweeney also pioneered the use of corporate campaigns in organizing drives. The two year corporate campaign launched against Beverly Enterprises, a nursing home conglomerate known for poor working conditions, ended with union recognition. In 1988, Sweeney announced a goal of organizing 1 million members, and the large increases in public sector and health care members as well as the justice for janitors campaign made this goal a reality in 1992. In 1995, Sweeney left to head the AFL-CIO, and Andrew Stern took over as president of the SEIU.

Not only did Sweeney continue the tradition of organizing, he also promoted diversity and a social legislative agenda. Sweeney also established departments dedicated to education, field services, and civil rights. Sweeney also increased the SEIU's presence in the international labor arena by joining Federation of International Employees and Technicians (FIET) and Public Services International (PSI). In 1984, Sweeney divided the SEIU into industry specific divisions: Health, Public Services, Building Services and Industrial and Allied Technology in order to increase resources

²⁵ Previously, he established a Western conference, which proved to be very successful.

and research of government regulation, business law, and financial matters. Sweeney also developed a work and family legislative agenda.

With the exception of Scalise, the presidents of the SEIU contributed and valued political action, organizing, diversity, and legitimacy. The values of the SEIU are consistent over the history of the union. From the early 1900's, the SEIU began with a diverse composition including several different nationalities, immigrants and women. Moreover, the SEIU has always valued organizing, and in the process of organizing, the SEIU has continually reached out to workers in other industries. Under McFeteridge, the SEIU expanded to healthcare, atomic plants, bowling allies, and non academic school employees. Sullivan's dropping the Building off the name of the union indicates the union's openness to all types of service employees. Hardy worked hard to train organizers, and Sweeney expanded organizing efforts to clerical workers and public employees. Sullivan and Sweeney clearly valued social justice. Under Sullivan and Sweeney, the SEIU sought social programs such as shorter workweek, job retraining, unemployment benefits, and work and family agendas to protect all workers not just their members.

The SEIU is at a clear advantage over the AFL-CIO. Studies in organizational culture show that historical events influence the organization long after the participants of these events have left (Trice & Beyer, 1993, p. 6). The tensions between race, class, goals are likely to be still present within the AFL-CIO. Whereas the SEIU is free from these tension, and has a value base that supports the changes sought by Sweeney.

Not surprisingly, Sweeney's primary audience at the SEIU was the members of the SEIU and other service employees, who could be potential members. Although *Solutions for a New Work Force* was published in book format and thereby available to a wider audience than the SEIU, the book is based on the proceedings of a conference held by the SEIU and 9to5, National Association of Working Women.²⁶ Moreover, Sweeney indicates in the dedication that the audience is "the women and men whose daily struggle to build a better tomorrow is building a better future for us all: Members of the Service International Union and 9to5." *Union* and *Update* are internal SEIU quarterly publications.

The SEIU at this time was composed of approximately 1 million members. The members come from 4 different divisions, which include Building Services, Industrial and Allied, Public Services, and Health Care. The Building Services division is composed mainly of custodians and security officers. Members of the Industrial and Allied division work in a variety of jobs including amusement park workers, visitor guides at National Parks, railroads workers, hotel workers, racetrack workers, and light industrial workers. The Public Services division is comprised of federal, state, local government employees in hundreds of different occupations. The Health Care division is comprised of professional, technical, clerical and service workers in Health Care industries. Despite professional members in the SEIU, the SEIU is overwhelmingly

²⁶ 9 to 5 is a women's group that seeks to provide better working conditions for women. Specifically, they are interested in sexual harassment, family issues, discrimination, and poverty.

working class since ninety-two percent of service employees are working class²⁷ (Zweig, 2000).

Ninety percent of all union members want unions while only 32 percent of non-union workers want unions (Freeman & Rogers, 1999). Low wage earners, blue-collar workers and younger workers disproportionately favor unions to their counterparts. 45% of low wage earners want unions compared to only 22% of high wage earners. Similarly, 42 % of blue-collar workers seek unions while only 25% of professionals do. Finally, 44% of 18-24 year olds desire unions compared to 24 to 32 % for other age categories. Only 15 percent of union members are very satisfied with union position on political issues while 53 percent are somewhat satisfied, leaving nearly a third somewhat or very dissatisfied.²⁸ Generally, union members are more satisfied with local unions, which they feel represent their views well, than with the national union, which they are less satisfied with how their views are represented. The thirty two percent, who seek unions, desire more influence and power at work. They are also dissatisfied with their jobs and management.

One of the primary reasons for the negative view of unions held by non-members is media portrayal (Schmidt, 1993). The media usually focuses on labor stories that provide episodic coverage. As a result, the labor stories focus on corruption, strikes, and non-democratic behavior. Schmidt notes that the biased portrayals do not affect union

²⁷ Zeig defines working class as those individuals making a “middle class” wage or below and have little power in politics and the workplace.

²⁸ Freeman and Rogers do not survey members on specific political issues.

members because they have access to alternative values and behavior to judge the organization by.

In addition, research indicates that American values of libertarianism and individualism can prevent workers from joining unions (Lipset & Katchanovski, 2001). These values would help explain why only a third of union members are Democrats even though union leadership almost overwhelmingly supports Democratic candidates (Freeman & Rogers, 1999).²⁹ Several factors contribute to this phenomenon. Zweig (2000) argues that in the American culture, the working class is slowly fading away. That is the working class still exists, but the identity of the working class is dissolving, as the media portrays “middle class” as normal and typical despite the fact that only 36 percent of Americans truly meet the definition of “middle class.” By defining themselves as middle class when they aren’t, working class people fool themselves into believing that the political system is working for them. For example Bush and the Republicans have successfully portrayed their recent tax cuts as benefiting the “middle class” when the vast majority of the benefits go to upper class citizens. Similarly, Republican rhetoric ignores the increasing burden of non-income taxes on the middle class, and the steady decline of workers’ real incomes (Krugman, 1994; Krugman, 1999). Zweig attributes this trend to a number of factors. The economic segregation of the United States is a factor--middle class people rarely/never actually see either the poor or the very rich. American consumerism allows “working class” to live similar standards of living to the middle class, but Zweig notes that standard of living alone does not

²⁹ Freeman and Rogers do not specify how the remaining two thirds voted.

define class. The degree of power at work and in politics are the other components that contribute to class. A majority of members of the SEIU, however, do not have a standard of living that nears a median “middle class” existence. In terms of salary, the middle class is comprised of individuals who earn between \$28,000 and \$337, 000 (Cox, 2003; “Middle class paying for tax cuts”, 2003).³⁰ A majority of the professions at the SEIU fall below or just barely surpass the \$28,000 marker. For example, health care support occupations average \$21,000 a year (BSL, 2001). Building Workers average income is \$20,000. Amusement park and recreation attendants’ average salary was only \$15, 000.

Identity

Communal bonds help define an individual’s role and position in society, but the weakening of social ties due to modernity have left individuals more isolated and with less clearly defined roles (e.g. Nisbet; Mongin; Lefort, Bouchet as cited in Cheney and Tompkins, 1987p. 240-241). Individuals seek to rectify this isolation by identifying with different entities that have a fairly clear defined role in society (Cheney, 1983). Over time individuals often develop an array of “identities” in different organizations, and while these “identities” may be congruent with each other, they may also conflict with each other (Cheney, 1983). As individuals negotiate and manage these conflicts, Cheney indicates, “they are inclined to communicate and cooperate with persons and groups who share the same interests ... either real or perceived” (Cheney, 1983, p. 146).

³⁰ The middle class range is based on the upper two quartiles of income.

The rhetor can help the individual to perceive these overlapping interests and help coax the individual to act in the best interests of the organization.

Cheney and Tompkins argue that identification and commitment must be balanced (1987). On an organizational level, too much identification and commitment can lead an organization to continue on a failing course of action because of their members' inability to recognize other options. At an individual level, too much identification and commitment creates a "mob mentality" where individuals participate in actions that they would not dare do on their own. At the same time, not enough identification and commitment with any one entity can paralyze an individual into inaction and isolation. While managing identity is challenging for all organizations, service organizations such as educational institutions, advertising agencies, and labor unions, are especially challenged in creating a clear identity because the people they serve are neither fully inside or truly outside the organization.

Burke offers insight into the particular struggle faced by service agencies such as labor unions in creating identification. Burke argues that the key to creating identification is to establish consubstantiality. Consubstantiality is the degree to which individuals believe "their interests are joined" (Burke, 1969, p. 21). Consubstantiality may be based on either reality or perception. One way to create consubstantiality is to establish shared property interests (Burke, 1969, p. 23-27). Burke notes that creating identification based on property is particularly difficult because people "derive different amounts and kinds of profit, who is to say, once and for all, just where 'cooperation' ends and one partner's 'exploitation' of the other begins" (Burke, 1969, p. 25). So, the

"real" congruence of interests doesn't really matter, it's the perceived congruence that's important. The success of identification based on property depends in large part to the extent that the audience feels that the actor (in this case the organization) "represents" or reflects their beliefs and values (Burke, 1969, p. 25).

If Maslow's hierarchy of needs is applied to Burke's identification, we can better understand how appeals to identity work. Maslow's hierarchy suggests that workers, who fall below the middle class line, they are more likely to identify with material arguments because they are struggling to obtain or maintain economic rights of shelter, food, health care, etc. Material appeals are especially important to the below "middle class" wage earner because material issues are critical to their ability to meet their physiological and safety needs. However, when those basic needs are provided for workers will seek to meet higher level needs such as belonging, esteem and self-actualization. For these workers, identification based primarily on providing material interests will be weak due to competing societal frames. Hence the SEIU faces a dilemma. If they press for improvements on a company-by-company basis they'll create serious problems of internal dissension. But, if they advocate for improvements in material well being for everyone via the political process, they undermine peoples' incentives to join/support a union.

As mentioned in Chapter III, in large part, labor's success in setting public policy through legislation has undermined their role in providing worker protections and economic benefits. As a result, legislation not labor is often viewed as the most viable way to meet these goals. When labor is unable or fails to provide a clear road map for

obtaining these goals, the likelihood of labor being entrusted to obtain these goals declines even further because a clear alternative course of action exists.

Moreover, the consumerist mindset of the “middle class” suggests that workers would be unwilling to join unions in order to obtain these protections and benefits. Consumerism creates an identity crisis for the individual, who at times must choose between his role as a worker and as a consumer. Consumerism encourages workers to view strikes and labor negotiations from the standpoint of a consumer rather than a worker and discourages worker solidarity because identity with the working class is undermined. Along the same line, Zweig argues that consumerism encourages working class individuals to view social issues such as governmental services as a consumer. Under this analysis, workers are more likely to support privatization of government because they are unwilling to pay for services that they do not use. Moreover, consumerism would suggest that government be subject to the same competition as the rest of the market. Aune (2001) and Zweig (2000) are quick to point out that not all decisions are based on this economic standpoint. Many decisions are based on values, relationships, morals etc. Unions “cost” workers in terms of dues, individual freedom, and time commitments. The worker, however, may believe that legislation provides these protections and benefits without incurring these costs. Hence, the worker has no motivation to join a union. For workers who fall below or are just barely on the cusp of the “middle class,” the laws provide little protection. These workers do not have the money or the resources to seek legal recourse to enforce or obtain the protections guaranteed by law. Hence, appeals based on economics become even more salient to

this group. I argue that this attribute of his audience explains why the identification used by Sweeney succeeds at the SEIU.

Analysis

One of the major frames that appears in Sweeney's rhetoric to the SEIU is the violation of the social contract by corporate America. Sweeney claims that:

our elected representatives in the White House and the Congress made a deal with the rich. They slashed their taxes (personal and corporate) and freed them from regulations. In return, the rich promised to make America a more prosperous and productive country. The swelling tide of income for the few was supposed to lift all boats. (Sweeney, 1992b)

Sweeney contends, "the rich did not keep their end of the bargain" (Sweeney, 1992b).

For example, Sweeney contends that the shrinking health care coverage and retirement plans illustrate the violation "the implicit 'social contract'" (Sweeney, 1989, p. 77).

The social contract theory does not assume that an actual contract exists or that the majority recognizes the contract. John Rawls' conception of the social concept is based on the idea that the contract provides what is fair or just for everyone unless a party agrees to receive less than the other participants. Clearly, Sweeney's appeals to justice are based on this conception of the social contract. The members of the workforce who are denied their economic rights are likely to find appeals to social or economic justice very salient to meeting their needs.

In addition to the social contract violation frame, consistently, Sweeney bemoans the declining real wages for most Americans. Sweeney usually begins by recalling the glory days from the end of World War II to the mid 1970's. In *Solutions for the New Work Force*, Sweeney contends that for the 25 years following World War II "those who

were willing and able to work had the opportunity to share in the American dream” (Sweeney, 1989, p. 5). By the middle to late 80’s, however, the economic picture has changed a good deal. Sweeney often juxtaposes the glory days for the American worker, with the new trend towards declining wages and increasing inequality. Unlike the past, Sweeney suggests that In *Solutions for the New Work Force*, Sweeney suggests that income have stagnated. He claims that the average family income “barely matched the levels achieved in the early 1970’s” (Sweeney, 1989, p. 5). Moreover, Sweeney alerts the audience to the increasing inequalities in income distribution. Sweeney contends that beginning with the generation that entered the workforce after 1970 will be the first generation to fail to achieve a better life than their parents (Sweeney, 1989, p. 5-6). Even more disconcerting, “an increasing number are unable to work their way out of poverty” (Sweeney, 1989, p. 7).

In addition to his analysis of wages, Sweeney takes another trip down memory lane recalling the strides of working Americans towards obtaining benefits during this era. Sweeney’s version of benefit history is less glowing than some of his other histories. He describes the evolution of benefits in America as “a patchwork approach” (Sweeney, 1989, p. 76). Sweeney believes that the United States’ passage of Social Security legislation in 1938 was the first step in the process of creating a broad social insurance safety net, which every other industrialized country has adopted except the United States. As Sweeney notes, during World War II companies were under strict wage controls, but they were able to compete with each other for employees by offering benefits. With the tax incentives created by the Federal Government, a vast majority of

employers offered medical and retirement plans for their employees. When Medicare and Medicaid programs were added to the mix, nearly “90 percent of Americans had at least nominal health coverage...[and] 90 percent of senior citizens received Social Security benefits, and half received an employer-paid pension as well” (Sweeney, 1989, p. 76).

Sweeney looks to federal and international solutions for problems such as declining wages and benefits. In the Fall of 1993, Sweeney claims “seven years ago, we decided the problem of accessible, affordable health care could no longer be solved at the bargaining table” (Sweeney, 1993a, p. 30). Sweeney and the SEIU believed the only way to provide affordable health care is through a national health care system. Sweeney declares, “the Clinton plan is a good plan and it is our plan. It has some flaws, and we will work hard to correct them during the legislative process” (Union, 1993a, p. 30). In the winter 1993 *Union*, Sweeney calls on members “to speak out, demonstrate, and if need be, go to jail for decent paying jobs, racial equality, and union rights for every American, then we must demand nothing less of the Clinton Administration” in regards to health care (1993b, p. 30). To members of the SEIU, Sweeney suggests “we have to take him [President Clinton] to task for his penchant for ‘taking power away from federal bureaucracies and giving it back to communities and individuals’” (Sweeney, 1996i, p. 23). Similarly, Sweeney covers in both books the ever shrinking benefit packages offered by employers. Sweeney supports this argument with a series of statistics to serve as examples. Again, Sweeney’s coverage of this issue is far more extensive in *Solutions for a New Work Force* than in *America Needs a Raise*. Sweeney

notes that in the 1980's the amount of Americans with health insurance has been steadily falling. The amount of Americans with health insurance started out at 90 percent in the late 1970's, dropped to 85 percent by 1980, and continued to fall to 82.5 percent by 1986 (Sweeney, 1989, p. 76-77). In addition, Sweeney indicates that workers covered by retirement plans have gone "from 56 percent of the total work force in 1979 to only 50.3 percent in 1983" (Sweeney, 1989, p. 76). Sweeney argues that the decline in benefit packages is because "American corporations opted out of the implicit 'social contract' they had embraced for decades" (Sweeney, 1989, p. 77). Specifically Sweeney attributes the spiraling costs of premiums, which are caused by new technology and unnecessary procedures as serving as a "catalyst" to break the "social contract" (Sweeney, 1989, p. 79). The increasing cost of health care has been shifted to the employee who according to Sweeney has seen a 66 percent increase in premiums during the 1980's (Sweeney, 1989, p. 80). The increasing out of pocket costs for health care have left many Americans without health insurance or relying on public programs originally "designed to serve only the non-working poor and elderly" (Sweeney, 1989, p. 81). Sweeney notes that 75 percent of the uninsured are workers or their dependents. Sweeney contends that the economy pays the price of the declining benefits because the government spends 21 billion dollars aiding public hospitals and other forms of medical relief. Sweeney also argues that the lack of insurance doesn't simply have an economic toll, but a human toll as well. Sweeney argues that despite overall gains in general health of the average American in 1982, the uninsured saw decrease in every health indicator. In 1982, for the first time in years, America saw a rise in low infant birth

weights as well as an increase in infant mortality rates in minority populations. Sweeney attributes these health problems with the tendency of the uninsured to utilize only 64 percent of available health services than the insured. Sweeney notes, “poor health care results in or perpetuates poor health” (Sweeney, 1989, p. 85).

Declining medical benefits are just the beginning, the number of Americans with pension plans have also been declining. While pension coverage grew in the 60’s and 70’s, Sweeney notes that the number of employees covered by pension plans have been decreasing. While in 1979 nearly 56 percent of the work force were covered by pension plans, only 52 percent were covered in 1982, and the number continued to decline in 1985 leaving only 48.6 percent covered by pension plans. Sweeney contends that these numbers continue to drop because employers are trying to “recover money to use for other purposes,” but the statistics used here fail to sufficiently support this conclusion (Sweeney, 1989, p. 86).

Sweeney also notes that being covered by a pension plan alone will not guarantee that workers will ever be able to collect that money. Sweeney builds this argument by providing statistics that the average tenure at a job is 4.3 years, just short of the 5-year vesting period required by most employers. Women in particular have trouble collecting on pensions because the average tenure for a woman is only 3.6 years (Sweeney, 1989, p. 89). Moreover, diminishing benefits are very important to Sweeney in his role as president of the SEIU because this issue affects so many service workers. Sweeney notes that 65 percent of uninsured workers are service employees (Sweeney, 1989, p.

81). Likewise, only 22 percent of service workers have pension plans (Sweeney, 1989, p. 87).

Sweeney calls for family leave policies that would allow workers to take temporary leave without losing their jobs. Sweeney illustrates the type of people affected by a lack of a family leave policy. He begins with the stories of Robin McCabe, a young mother who was granted maternity leave only to find on her return that her job was gone, and James Callor, who was denied time off to care for his 6 year old daughter with cancer. Sweeney uses statistics to indicate that Robin and James are not isolated events. Sweeney notes that 85 percent of working women will have a baby during their career, which often results in either the women returning to work before she and the baby are ready or in loss of employment. Sweeney contrasts the United States with other industrial nations who all (except South Africa at that time) have some form of national parental or maternity leave policies which Sweeney claims “recognize more fully that raising the next generation and caring for the elderly are vital tasks that require public investment and employer accommodation” (Sweeney, 1989, p. 107-108). Moreover, Sweeney contends that only a “handful” of employers offer temporary leave for employees to care for children, spouses, parents or dependents with serious medical issues (Sweeney, 1989, p. 109). Sweeney cites economists Heidi Hartman and Roberta Spalter-Roth, who claim that the lack of a family leave policy cost Americans approximately \$363 million every year in reduced earning power and public assistance. Sweeney contrasts this statistic with testimony from the General Accounting Office, which claims a mandated family leave policy would put very little financial stress on

employers who could easily cope with the policy by shifting work loads and hiring inexpensive temporary workers. In addition, Sweeney contends that family leave policies serve to help companies recruit and retain workers (Sweeney, 1989, p. 109).

Sweeney suggests that work schedules do not meet the needs of the workers for child and elder care. Sweeney draws on the example of the New York State, which offers reduced work schedules with prorated pay and full benefits. Sweeney contends that employees benefit because they are able to retain their job, and the state has been able to retain valuable employees as well as reduce costs to avert layoffs (Sweeney, 1989, p. 110-111).

Day care also poses problems to workers because of insufficient supply, costs, and quality. Sweeney indicates that a 1986 Harris poll reveals that a third of parents can't find the type of child-care they seek. In particular, Seattle and New York only have available day care slots for every 1 out of 5 children. Moreover the costs can be prohibitive because day care "cost an average of \$3,000 per child – almost half the annual income of a minimum wage worker" (Sweeney, 1989, p. 111). The problems associated with quality of child-care come in two forms. First, Sweeney believes federal standards need to be established for child-care because states lack the means to monitor and enforce their own policies.³¹ In addition, Sweeney suggests that employers need to provide more assistance to employees for child care because only 3,000 of the 6 million employers offer any assistance to employees for child care at this time (Sweeney, 1989, p. 113). By providing child-care, 95 percent of employers indicated in a national survey

³¹ Sweeney fails to suggest who in the Federal government would enforce child care regulations.

that absenteeism and tardiness decreases while productivity, performance, and morale increased. Caring for the elderly also needs to be addressed according to Sweeney because approximately 11 percent of caregivers must quit their job to care for the elderly because of the lack of affordable options to care for the elderly (Sweeney, 1989, p. 114).

The issue of declining benefits and family is a salient issue for both current and potential SEIU members. As Verespej contends, members of the service industry are some of the lowest skilled and lowest paid workers, and Sweeney's rhetoric appeals to low paid and lowest skilled workers (1996). While some audience members may have benefits, the downward spiral of benefits may cause fear and thus, salient for audience members receiving benefits. Moreover, as Sweeney indicates, only 22% of service workers have health insurance, which leaves the majority of his audience is uninsured. Many of the other benefits such as child care, elder care, and family leave were not common in the workplace during the late 80's. The cost of child care and elder care continue to drain the tight budget of low income service employees. Moreover, the Family Medical Leave Act was not enacted at this time. Even if it was, family leave continues to be a problem for workers because very few can afford to go without pay especially in the income group of the SEIU.

Sweeney criticizes corporate America and the Republicans because they deny "economic justice" to Americans (Sweeney, 1992a). Sweeney juxtaposes the problems of the poor with the increasing opportunities for the wealthy. In *Solutions for the New Work Force*, Sweeney notes that the owners and CEO's of corporations are pulling down 30 percent more than they had previously which pales in comparison to the stock options

and bonuses that CEO's receive. After the 1995 Congressional elections when Democratic control of the House and the Senate was lost to the Republicans, Sweeney told SEIU members "we face an unprecedented attack on worker rights and laws protecting American families. We will have to fight like junkyard dogs to hold onto worker protections like Davis-Bacon, Fair Labor Standards, and OSHA" (Sweeney, 1995h, p. 23).

Sweeney consistently places social justice as a high priority. When campaigning for re-election as SEIU president and vice-president, Sweeney and Cordtz listed their first priority as social justice because "we believe working people and their families deserve a society that respects the dignity of work and provides the most basic support for every member of society" (Sweeney & Cordtz, 1992, p. 34). Similarly, Sweeney and Cordtz declare that they will work to "care for those not able to care for themselves" (Sweeney and Cordtz, 1992, p. 34). While Sweeney placed a primary importance on social justice, organizing has always been a high priority as well. Sweeney and Cordtz list organizing as their second priority for the SEIU (Sweeney and Cordtz, 1992, p. 34).

The social justice frame is likely to resonate with SEIU members. The SEIU has a tradition of supporting social justice policies. As the framing research in chapter I suggests, frames that are consistent with institutional logic and culture are more likely to be successful.

In addition to social justice issues, Sweeney spent a lot of time dealing with the issue of a contingent workforce such as part-time, temporary and contract workers. Sweeney develops specific issues that face these classifications of workers. Sweeney

notes that although some part-time, temporary and contract workers have chosen this type of employment because they seek more flexibility, many other workers are forced to accept these jobs because other options are unavailable to them (Sweeney, 1989, p. 57-58). Sweeney contends that “simply by filing a form with the Internal Revenue Service and giving the worker a copy, an employer can transform a worker into ‘self employed independent contractor’ and avoid social security taxes, unemployment insurance, worker’s compensation, and laws regulating wages, hours, health and safety, and equal employment opportunity” (Sweeney, 1989, p. 61). Sweeney suggests that contingent workers “do the same work as permanent employees—sometimes for decades – but receive lower wages and no benefits” (Sweeney, 1989, p. 61). When the contingent work force is between jobs, only 6 states provide unemployment benefits to this classification of worker (Sweeney, 1989, p. 61).

Sweeney outlines specific ways to achieve his goals during the SEIU presidency. In *Solutions for the New Work Force*, Sweeney clearly lays out specific actions that various entities can take to protect workers. Sweeney’s solutions for the problems created by a contingent work force are grouped by legislative and workplace actions. Sweeney’s first set of solutions are aimed at creating legal structures to provide economic disincentives for employers to turn towards contingent workers. Sweeney believes that if employers were forced to give “equal pay for equal work” to the contingent work force, then employers would be far less likely to convert permanent or full-time jobs. In order to achieve this objective Sweeney suggest the following legislative action: 1) mandate prorated benefits for part-time and temporary workers by

amending the federal Employment Retirement Insurance Security Act or the Fair Labor Standards Act; 2) cover part-time and 'long-term temporary' workers in any minimum wage or benefit legislation; 3) reduce the number of hours required for pension vesting and improve pension portability; 4) reform labor law to strengthen bargaining rights for part-time and 'long-term temporary' workers (Sweeney, 1989, p. 67). In addition, Sweeney seeks legislative action that would prevent the escalation of the contingent work force. Specifically, Sweeney calls for: 1) "requiring public employers to convert long-term temporary into permanent jobs;" 2) "shorten the work week;" 3) "enforce independent contractor laws;" 4) "curb abuse of independent contractor status;" 5) "enact state and federal joint employer legislation;" 6) "reduce and regulate privatization of public services;" 7) "provide public employees with the opportunity to compete" (Sweeney, 1989, p. 68-69). Not only does Sweeney call for legislative action that will decrease employer reliance on contingent workers, but he also seeks legislative action that would provide support mechanisms for contingent workers such as: 1) "expanding temporary compensation programs;" 2) "expand the supply of quality, affordable child and dependent care programs" (Sweeney, 1989, p. 69-70). Sweeney does not place all of the responsibility of helping the contingent work force on the shoulders of legislators, but he also outlines specific actions that employers can take such as: 1) providing "voluntarily reduced work schedules" with prorated pay and benefits; 2) create "permanent part-time positions;" 3) "convert temporary to permanent positions;" 4) provide "career mobility" to part-time and temporary workers (Sweeney, 1989, p. 70).

Sweeney also outlines a rather detailed list of solutions to the declining benefits for American workers. To address access to medical care, Sweeney would ideally like to see a national health care program implemented in order to ensure “uniform standards of care” and because “only a single financing mechanism can effectively control the spiraling costs of health care” (Sweeney, 1989, p. 91). Sweeney realizes that the “political climate” at that time would not support a national health care system, and he offers a series of alternative solutions to help ease the burdens placed on the American workers (Sweeney, 1989, p. 91). Sweeney makes the following legislative proposals: 1) “mandate employers to provide minimum health coverage to workers and their dependents or face tax surcharges earmarked for a state insurance fund;” 2) “expand Medicaid to supplement employer-paid coverage so that no worker will be forced to forgo participation in a private plan because of prohibitive costs, and reform Medicaid to better serve the non-working population;” 3) “create public and privately funded insurance pools to guarantee coverage to the disabled and unemployed;” 4) “Provide tax incentives to encourage employers to pre-fund retiree health coverage as they do now for pensions;” 5) “make it easier for small businesses to afford insurance through pooling mechanisms, phase-ins, and tax incentives;” 6) “establish a new financing system for long-term care that covers both nursing home and home care benefits” (Sweeney, 1989, p. 91-94). As with the contingent worker issue, Sweeney also provides a series of solutions for the workplace as well including 1) “create multi-employer and managed care programs to make health insurance affordable to small business;” 2) “initiate managed care programs to make health insurance affordable to workers;” and 3) “ensure

benefit parity to improve access to health care for part-timers and temporary workers” (Sweeney, 1989, p. 94). Moreover, Sweeney makes the following suggestions for legislative pension action: 1) “broaden coverage to include part-time and temporary workers;” 2) “liberalize vesting standards for workers;” 3) “protect workers’ benefits when plans are terminated;” 4) “make pensions more portable;” 5) “provide more incentives to encourage pension plan formation;” and 6) “extend the coverage of ERISA to public pension funds” (Sweeney, 1989, p. 95-96).

Like the previous problems, Sweeney outlines a multi-fold solution incorporating both legislative and workplace solutions. The first step of Sweeney’s plan, implementing federal legislation mandating periods of unpaid leave for family births and illnesses, was fulfilled by the 1994 Family and Medical Leave Act (FMLA). However, Sweeney calls for federal legislation that mandates paid leave so that workers “can afford to take time off” (Sweeney, 1989, p. 115). Indeed the research shows, that the majority of individuals who utilize the FMLA are middle to upper income because they are the only ones who can afford to go without pay (Willborn, Schwab, & Burton (1998). To deal with child care issues, Sweeney seeks the following legislative actions: 1) “increase public support for child care;” 2) set standards for child care; 3) provide incentives to increase the supply of child care; 4) expand head start and public school pre-school programs; 5) increase child care subsidies; and 6) improve “coordination of resources at the state and local levels (Sweeney, 1989, p. 116-117). To enable workers to better care for elderly family members, Sweeney desires expanded Medicare programs that would cover long-term care (Sweeney, 1989, p. 118).

In addition to legislative action, Sweeney has a number of solutions that employers could implement to ease the burdens work places on families. Sweeney calls for employers to implement flexible scheduling programs such as job sharing, flex-time, and reduced hours while still providing benefits, job security, and career opportunities (Sweeney, 1989, p. 116). In addition, Sweeney suggests that employers can help workers with child care issues by constructing onsite day care centers, provide subsidies for child care expenses, set-up pretax deductions for payroll, provide after school and vacation child care programs, and provide resources and referrals for child care (Sweeney, 1989, p. 118). Similarly, Sweeney recommends that employers aid families who care for elderly by providing home health and nursing home benefits or provide dependent care subsidies (Sweeney, 1989, p. 119).

While Sweeney does provide a clear vision for providing benefits for workers, many of these solutions are based on legislation, the very thing that threatens the legitimacy of labor unions. The solutions that he seeks from the workplace, however, do provide a role for unions. A few workplaces offer solutions such as flex-time and on site day cares voluntarily, but they are usually motivated by economic incentives for doing so, like a predominantly female skilled workforce. Labor can help workers obtain these goals through corporate campaigns and/or bargaining.

Conclusion

The SEIU members are likely identify with Sweeney's frames. The SEIU members face great difficulty economically, and thus, Sweeney's frames that appeal to material needs are likely to resonate with this audience. The California Nurses

Association (CNA) called Sweeney and the SEIU its closest ally. The Dignity Campaign, a joint initiative of the CNA and the SEIU, targeting nursing home workers has managed to recruit over 35,000 members. The CNA identifies with Sweeney's desire to stop corporate greed at the expense of patient care and workers ("Labor Looks," 1995). In addition, the CNA and the SEIU Local 250 has a "rhetoric that closely aligns" with Sweeney's rhetoric. This similarity is indicative of the identification of these groups with Sweeney (Moore, 1996).

Sweeney's ability to create identification is due to the organizational culture of the SEIU, which welcomes social justice frames. Creating identification with the SEIU poses several problems for Sweeney. Many of Sweeney's issues hold little saliency to an audience beyond providing economic benefits to workers. This works with an audience with few economic rights, and in ability to pursue worker protections legally. Another strength saving grace for Sweeney is the solutions that he seeks from the workplace. These solutions establish a clear role for the SEIU. Ultimately, Sweeney is able to build strong identification with the audience at the SEIU because of their economic situation and organizational culture.

CHAPTER V

THE RHETORIC OF THE AFL-CIO

Introduction

Sweeney faces many of the same challenges in creating identification as president of the AFL-CIO as he did at the SEIU. At the AFL-CIO, Sweeney is confronted with the same societal frames that face him at the SEIU. Sweeney must also balance the tension between providing benefits for members and creating an identity that is more substantive than the economic issues alone. Balancing these tensions at the AFL-CIO is more challenging than at the SEIU. While the SEIU had a culture that had been able to successfully bridge the two, the AFL-CIO has a more difficult time managing this tension. In addition to cultural differences, the audience at the AFL-CIO differs a great deal in terms of profession and income. The two biggest differences in audience are the explicit incorporation of white collar and professional workers as well as the greater diversity of professions and income. While the organizational culture and his audience varies a good deal from his audience at the SEIU, Sweeney's identification strategies are fairly stable, and the strategies that change are often worse for it.

Audience

While chapter II already covered much of the history of the AFL-CIO, it is important to fully understand more recent events in order to contemplate how Sweeney's rhetoric interacts with the culture. Since his election Sweeney has experienced varying degrees of success on the three major agendas of his presidency: gaining political support for union members, waging corporate campaigns, and massively increasing the organizing effort. At first, Sweeney experienced a good deal of success in gaining wider

political support for labor. This success enabled him to win a second bid for the AFL-CIO presidency in 1997 despite only a 50,000 gain in members (Nichols, 1997). But, just breaking even was a welcome change from the past couple of decades. Sweeney's rhetorical tactics for garnering political support have been compared to those of the Christian Coalition. Sweeney has adopted a rhetoric of "moral vacuums" and "corporate terrorism" to rally support from his members. Despite the lack of success at organizing, Sweeney has managed to obtain an additional 15 cents a month per member for the purposes of promoting their political agenda. This increase in dues adds approximately \$2 million a month to the political coffers of the AFL-CIO ("John Sweeney's", 1996). Since the AFL-CIO has only grown by 200,000 members since Sweeney replaced Kirkland as president, the new members only add \$30,000 a month to the political funding ("Palace Coup", 2003).

In 1996, Sweeney and the AFL-CIO spent over \$35 million in contributions to labor friendly candidates, and for the 1998 election, it spent another \$15 million in campaign contributions. The \$35 million was only a fraction of the total political expenditures for all labor unions in 1994. The 1994 expenditures were around \$400 million, and only \$41 million was directly contributed to PAC's (Norquist, 1996). In 2000, the Associated Press estimated that labor gave the Democrats \$79 million in campaign contributions. Most of the other money went to issue advocacy.³² Moreover, in 1996, the AFL-CIO launched a \$20 million a year campaign to change public perception of unions (Bernstein, 1996).

³² Issue advocacy allows unions to support specific issues without directly mentioning a specific election or candidate.

In Oregon, Sweeney and the AFL-CIO have been credited with changing the political tide for that state. In 1994, Oregon voters elected a liberal politician into the seat vacated by Senator Packwood. Senator Wyden has since voted against key pro-business measure 70% of the time. Wyden was able to gain election because Sweeney and the AFL-CIO succeeded in mobilizing 80% of eligible union voters in Oregon to help elect liberal candidates. Even though Oregon is often atypical of politics in the United States, Sweeney has since used Oregon as a model for political change (Horowitz, 1996).

Sweeney contended that the best way to gain support for labor was for union members and activists to run for political office (Nichols, 2001). In Santa Monica, Los Angeles, and St. Louis, union members and activists have successfully won local political races. Despite efforts in Oregon, California, and South Dakota to prevent unions from using union funds for political purposes, the AFL-CIO has managed to garner enough votes to prevent these legislative actions (Nichols, 2001). In November 2000, a record 26.3 million union voters turned out at the polls, which helped the Democrats gain seats in Congress (Miller, 2001).

Regardless of these political efforts, the 2002 election did not fare well for labor. Both the U.S. House and the Senate were now controlled by the Republicans, and organized labor was left a bleak future. In a press conference on November 6, 2002, immediately following the elections, Sweeney indicated that the economy and location of the open seats were to blame for the shift in leadership (AFL-CIO, 2002b). Sweeney reports that the exit polls from voting union members suggest that union voters felt like

neither party had a clear plan to improve the economy, and as a result, the President's strong stance on Iraq swayed voters.³³ In addition, Sweeney noted that the open seats were primarily in southern states where traditionally unions have had little presence. Due to the 2002 election, Sweeney now is under attack from the AFL-CIO affiliates who charge that Sweeney has "built an expensive bureaucracy that hasn't placed enough emphasis on hiking union membership" ("Palace Coup", 2003). Five union leaders, Sandra Feldman, president of the American Federation of Teachers, Andy Stern, president of SEIU, Bruce Raynor, president of the Union of Needle Trades, Industrial and Textile Employees, Terence M. O'Sullivan of the Laborer's International Union of North America, and John W. Wilhelm, president of the Hotel and Restaurant Employees Union, successfully sought an overhaul of the governing body of the AFL-CIO. The proposed change called for a reduction in the executive council from 54 members to 20 as well as changing the name to the executive committee. Under the new structure, 10 presidents of the largest unions and seven members of Sweeney's choice will comprise the executive committee. In addition, Sweeney, AFL-CIO secretary/treasurer Richard Trumka, and AFL-CIO executive vice-president Linda Chavez-Thompson, the executive committee would also be included on executive committee ("Palace Coup", 2003).

Under Lane Kirkland, few successful strikes were waged. As a result, Sweeney has pushed for the use of corporate campaigns in the place of or in addition to strikes.

³³ 2002 election exit polls did not measure the number of union voters. The AFL-CIO hired Hart Researches to conduct election night polls of union households. This poll is the only available information on 2002 union voting patterns.

The corporate campaigns consist of pressure, harassment, and public attacks on the companies as well as their officials, suppliers, stockholders, creditors--and customers. In January of 1996, the Communications Workers of America launched a successful corporate campaign in lieu of a strike against Bell Atlantic Corp. in order to achieve better job security for its members. The corporate campaign consisted mainly of union purchased media advertising that criticized Bell Atlantic Corp. (Worsham, 1996). In a teamster strike against the Ryder Automotive Carrier Group, General Motors inadvertently became subject to a corporate campaign. In a desperate attempt to deliver cars, GM offered a \$100 to every dealer who would drive a car to the showroom, but this interfered with the Teamster's strike. Teamsters followed the dealers to their showrooms, and began passing out pamphlets to customers urging them to check the price they were paying for their vehicles (Worsham, 1996).

Despite initial political and corporate campaign success, Sweeney's campaign promises to mobilize unions to organize more members fell far short of his success on the political front. Yet, as the president of the AFL-CIO, Sweeney has little direct control over organizing. Most of the organizing is handled by individual unions, which the majority of member unions spend only 5% of their budget on organizing. Sweeney has had to rely mostly on rhetorical strategies to try and convince members to spend more resources on organizing as does his own Service Employees International Union, which spends approximately 30% of its budget on organizing (Judis, 2001).

Sweeney did manage to direct more money to the organizing department of the AFL-CIO. He appointed Richard Bessinger, a former textile organizer and founder of

the Organizing Institute, as the head of the department. Bessinger blamed not only management opposition, but also individual unions themselves for the decreasing union memberships. Bessinger actively called for unions to change in order to organize more members (“Tough Love,” 2000). Under Bessinger, the organizing department began the Union Summer program, which successfully trained college students to be union organizers. Bessinger was unable to get the vast majority of unions to raise their organizing budgets to 30%. Although the AFL-CIO hasn’t released the actual numbers, speculators suggest that only two organizations hit the 30% mark, and only a small fraction of member unions raised their organizing budgets. Bessinger contends that until a major cultural change occurs in the AFL-CIO these unions will not raise the amount of time and resources contributed to organizing, but he does not specify what cultural changes are needed (Judis, 2001). In order to spend 30%, most unions would have to rely on volunteers to handle grievances and other functions that are currently handled by paid staff, which would free up funds to hire more organizers. Many unions are lax to do this because they see their role as servicing current union members.

Together, Sweeney and Bessinger launched two major organizing drives, which were funded by the AFL-CIO as well as individual unions. The first attempted to organize 20,000 strawberry workers in California. Despite spending \$90,000 per month, sending in organizers, and establishing support groups, the strawberry workers decided to affiliate with a company-friendly rival union. The AFL-CIO only gained 750 workers from this effort. Similarly, the AFL-CIO spent over \$1.2 million on organizing 60,000 building trade workers in Las Vegas in 1996, and individual unions spent \$4 million in

an effort to create the largest organizing effort ever. The Las Vegas effort floundered because the loose structure made it unclear as to who was in charge. Eventually, the effort was disbanded without any explanation (Judis, 2001).

In June of 1998, Sweeney fired Bessinger without citing a reason for his dismissal. Insiders suggested that Bessinger was fired because “he wasn’t getting the job done” (Judis, 2001). Despite an increase of over 400,000 new members, the overall membership of the AFL-CIO was declining because more members were leaving the AFL-CIO than were joining. Bessinger countered that he was fired because he had butted heads with Sweeney’s inner circle (Judis, 2001). Since Bessinger, Sweeney has already replaced Bessinger’s replacement, Kirk Adams. Judis (2001) describes the organizing department as losing its ideological focus, but Judis fails to specify what the ideological focus was.

Despite initial gains in membership, the percentage of organized members in the overall workforce fell to an all time low of 13.5%. Increases in the workforce may explain some of the decline, but the actual number of union members has dropped by 68,000 people (Judis, 2001). Sweeney’s goal, however, was to organize 1 million new members every year, and instead Sweeney has only managed to recruit 200,000 new members since he became president of the AFL-CIO (“Palace Coup”, 2003). Bessinger contended that cultural barriers prevent unions from being able to do this. Bessinger noted that the majority of unions only spend 10% of their budget on organizing despite appeals from Sweeney to spend 30% of their budget on organizing. The other contributor is the conceptualization of the purpose of the union. According to Bessinger,

many unions view themselves as special interest groups who protect the interest of their members instead of organizing in order to provide economic justice for everyone (“Tough Love,” 2000).

The tensions of the AFL-CIO are present from early on in its history. The AFL-CIO has had trouble accepting individuals who are different whether it be for class, racial, or political differences. The AFL-CIO’s tension between trade unionism and industrial unionism is reflective of a class conflict. Although officially closed to non trade unions, the AFL granted charters to janitors, brewers, minors and other non skilled labor. As in the case of the janitors, the AFL seemed particularly apt to grant charters to organizations from which the AFL could benefit from. The tension between trade unionism and industrial unionism is also reflective of a tension over goals. Traditionally, trade unions primarily served to benefit members while industrial unionism sought social justice for all workers regardless of membership. In addition, the AFL-CIO has a long history of racial tension. Moreover, the AFL-CIO has tried to remain conservative or moderate politically over the years with little room for radicals or even liberals.

Not only does the organizational culture affect Sweeney’s potential for success, the saliency of his frames with the audience are important as well. Like the SEIU, Sweeney’s primary audience is composed of current and potential members of the AFL-CIO. Again, Sweeney’s dedication provides insight into his conception of his audience. Sweeney indicates “this book is for all Americans who are worried about disappearing jobs, shrinking paychecks, vanishing health care, plundered pension plans, and the sense

that their work is no longer respected and rewarded” (Sweeney, 1996a). Sweeney specifically appeals to the reader in his acknowledgments “to join the effort to win working Americans a better deal and a stronger voice” (Sweeney, 1996a). Likewise, Sweeney’s speeches are geared towards the same audience. In multiple speeches, he specifically appeals to white-collar workers as well as blue-collar workers. He describes the goals of the AFL-CIO to make sure that “neither blue collar nor white collar workers have to labor so hard and so long that they have no time left for family, friends or for their church” (Sweeney, 1999a; Sweeney, 1999c). The Working Family Network (WFN) emails are addressed to activists and are only sent to individuals who ask to be included on the list serve.

Although the SEIU had a range of different types of members in their four divisions, his audience as president of the AFL-CIO is much wider in scope. The AFL-CIO is composed of more than 13 million members. The AFL-CIO is composed of 66 national and international labor unions, which represent a variety of blue collar and professional unions. As the AFL-CIO website boasts, “we are teachers and teamsters, musicians and miners, firefighters and farm workers, bakers and bottlers, engineers and editors, pilots and public employees, doctors and nurses, painters and laborers – and more” (AFL-CIO, 2003). With this diversity of professions, a diversity in income levels is present. While many members of the AFL-CIO fall below the “middle class,” many others make a “middle class” wage. In the airline industry, Airline pilots make an average of \$100,000, and air traffic controllers average \$83,000 a year (Bureau of Labor Statistics, 2001). Locomotive engineers on average make \$47, 000 a year. Even

teachers, who are traditionally under paid, average nationally between \$40,000-\$45,000, clearly within the lower boundary of the middle class. Engineers bring home an average of \$50,000 to \$80,000 a year.³⁴ In addition to the “middle class” wage earners, other members, such as many SEIU members, are in occupations and industries that fall below the middle class line. Light truck drivers only make on average \$26,000 a year, and unskilled construction workers receive approximately \$20,000-\$23,000 a year. Agricultural worker salaries span a range of \$15,000 to \$30,000 on average.³⁵ Moreover, Freeman’s and Roger’s (1999) research illustrates the division of interest of belonging to a union along income levels. Only 22 % of upper quartile workers want a union compared to 45% of lower quartile workers.

One of the largest differences in the audience of the SEIU and the AFL-CIO is the addition of the white-collar audience. Although the SEIU included a small contingency of white-collar workers in the forms of clerical workers in public and health care sectors, the majority of the SEIU is blue collar. As mentioned in Chapter II, organizing white-collar workers is particularly important for the survival of unions. White-collar workers, however, are some of the most difficult to organize because they are resistant to unions because they tend to identify with management. Plus, white collar workers making \$25,000-\$35,000 “view themselves as doing O.K.” despite the fact little upward mobility exists for these individuals (Verespej, 1995). Branaccio and Tyler notes that only 1 to 2 percent of white-collar workers are organized (2003).

³⁴ The variation accounts for differences in grade level and specialty.

³⁵ Figures are unavailable for the percentage of AFL-CIO members in each income group.

Often included in the white-collar audience are professionals. Beginning professionals such as medical residents, graduate students, and new lawyers often work long hours with high levels of supervision. Zwieg (2000) argues that beginning professionals are willing to do this “apprenticeship” because they desire the benefits of professionals-- high levels of autonomy, authority and flexibility. In fact only 25% of professionals desire a labor union compare to 42% of laborers (Freeman and Rogers, 1999). Many professionals, however, are losing that autonomy as employers attempt to apply corporate management strategies to professionals.

As mentioned in chapter IV, “middle class” wage earners are not as likely to identify with an organization based on economic appeals. Since the AFL-CIO has a large mix of “middle class” and below “middle class” wage earners, I argue that Sweeney’s success in creating identification is limited because his appeals are based mainly on economic or material basis. Thus, workers who make “middle class” wages are not likely to find saliency in his appeals.

Analysis

Similarly to his rhetoric at the SEIU, Sweeney offers a social contract frame. Sweeney calls for a “new social compact” which would

find new ways to grow the American economy, American companies and American wages in the new world economy. And to bridge the growing gap between the great majority of Americans who are working longer and harder for less and the fortunate few who are prospering as never before. (Sweeney, 1995f).

Similarly, Sweeney contends that post World War II era was symbolic of how the employer-employee relationship should be. He recalls the post World War II era as “tough times. But working people, business people and public officials shared certain understandings -- a social contract, if you will” (Sweeney, 1995f). Sweeney suggests that working people believed “If we got up every morning and did our jobs, then we could earn a better life for ourselves and a better chance for our children” (Sweeney, 1995f; Sweeney, 1996g). Similarly, Sweeney contends that “Here's what working people knew back then: if we worked hard and played by the rules, we could count on a better life for ourselves and a better future for our children” (Sweeney, 1996h).

Employers, on the other hand believed that “If they paid their workers fairly and plowed some of their profits back into their communities, they could count on loyal employees and loyal consumers. For companies back then, good citizenship was good business” (Sweeney, 1995f; Sweeney, 1996g). Sweeney also suggests that political leaders understood this agreement, and provides the following President Kennedy quotation to prove this: “‘A rising tide lifts all boats’” (Sweeney, 1995f; Sweeney, 1996g). Similarly, Sweeney also maintains that “companies and workers had an understanding that goes like this: workers invest in company-specific skills early in their career in return for long-term employment. The company that downsizes fires workers after having benefited from those skills” (Sweeney, April 2, 1996a). Instead, Sweeney suggests that “We can forge a new social contract where working men and women take greater responsibility for the quality of the products they make and the services they provide -- in return for a fair share of power, profits, and prosperity” (Sweeney, 1996f). At the

AFL-CIO, Sweeney develops and extends the same social contract ideology as he did at the SEIU.

The social contract frame appeals to both below “middle class” and “middle class” wage earners in the AFL-CIO. As with the SEIU, the below “middle class” wage earners are unable to afford or obtain worker protections such as worker’s compensation through legal means. Moreover, these workers are denied economic rights granted to “middle class” wage earners. Hence, the appeals are likely to resonate with the lower quartile. While “middle class” wage earners will find saliency in the frame, consumerism encourages workers to make decision not based on justice or fairness, but rather, encourages workers to make decisions based on an individual cost/benefit analysis. Hence, “middle class” wage earners, engaged in the consumerism mindset, will seek the least costly avenue to obtain social justice. Legal protections offer the best opportunity to pursue and enforce the social contract (Zweig, 2000).

Again Sweeney repeats the themes he used at the SEIU, when he protests the declining wages and benefits. Sweeney suggests that the years between World War II and the mid 1970’s are the golden years for the American Work force. In a speech to the National Press Club, Sweeney asserts that “we were concerned with raising the standard of living for all Americans -- not just accumulating enormous wealth for a fortunate few” (Sweeney, 1995f). In *America Needs a Raise*, Sweeney maintains that shortly after World War II for the first time in history the “majority of Americans identified themselves as ‘middle class (Sweeney, 1996i, p. 31).’” He notes that the approximate average family income had doubled by 1973, and the gap between the rich and the poor

decreased by 6%. The use of the post World War II era as the golden days for workers is a good choice for Sweeney during his tenure at the SEIU. Sweeney contends that the reason “our economy benefited because high wages generated strong consumer demand. And our social fabric and our political process were strengthened because upward mobility made Americans more confident and cohesive” (Sweeney, 1999e).

The thirty-year hey day that Sweeney talks about is foreign to many younger workers. Workers 35 years old and younger are unlikely to remember or to have even lived through this hey day. Hence, they are unlikely to identify with this scenario as well. Federal and international regulations are not favored by a capitalistic and consumer based society as a solution to increase worker pay and benefits. The free market advocates want less regulation not more. Many younger members of the middle class side with free market advocates because they hope someday to be the entrepreneur pulling down \$200,000 plus (Alter, 2004).

While many “workers say they feel like economic bystanders as America enjoys its longest expansion in history,” several professional and white-collar workers, saw their personal stocks, mutual funds and 401ks grow at unusual paces during the late 90’s due to the boom in the stock market (Clancy, 2000). This financial boom made it more difficult for individuals benefiting from the boom to identify with these statements because their personal wealth was increasing. Over 50% of Americans have investments in the stock market.

Juxtaposed against these images of the past, Sweeney examines the increasing inequalities and the decreasing benefits and wages. Sweeney contends that “caught in an

unforgiving global economy, corporate America too often squeezed the last possible ounce of productivity out of American workers, and then threw them on the scrap-heap of unemployment or old age, with reduced pensions and health coverage” (Sweeney, 1995f). Sweeney contends that “Twenty years of declining wages and disappearing benefits are taking their toll on American life. There's a free-floating anger among hardworking people for whom the American dream is turning into a handful of ashes” (Sweeney, 1995c). Sweeney is particularly sensitive to the lack of benefits for women which he describes as “outrageous that tens of thousands of working women are without employer-paid health insurance and pension and retirement benefits. It is outrageous that hundreds of thousands of working women are without sick leave and family leave benefits” (Sweeney, 2000d). In *America Needs a Raise*, Sweeney pays much less attention to benefits than in *Solutions for a New Work Force*. Sweeney updates the audience on the number of Americans without health insurance as he notes that 1 million Americans a year lost health coverage from 1987 to 1994 where only 56 percent workers have employer paid health care. He also indicates that the number of employer paid pension plans dropped 6 percentage points from 1978 to 1988, but he contends that the most disturbing change in pensions is the switch to plans that have “required [workers] to pay more for a more risky future” (Sweeney, 1996i, p. 35). In *America Needs a Raise*, Sweeney suggests that “declining unionization is linked to declining coverage” (Sweeney, 1996i, p. 35). Certainly Sweeney can establish that benefits continue to drop, but attributing it to declining unionization needs additional examples to support this claim.

Again, Sweeney looks to the Federal government to provide health care benefits. Sweeney is also extremely concerned with protecting Medicare. Sweeney believes “passing consumer health care protections is right, funding tax cuts for the wealthy with Medicare reductions is wrong” (Sweeney, 1999b). Moreover, Sweeney alludes to his support of a national health care system, but unlike his tenure at the SEIU, he does not specifically call for a single payer system. Sweeney wants everyone to have health care regardless of their ability to pay (Sweeney, 2000e). In addition, the WFN suggests that health care is not only a right, but that “you and your family deserve the best when it comes to your health” (personal correspondence, June 25, 2001). Sweeney seeks health care not just for Americans, but for everyone, and he finds it “shocking that we have not found the will to relieve the crippling debt burdens that are preventing so many countries from providing basic health care and education to their citizens” (Sweeney, 2000b).

While the lack of health and pension benefits and declining wages is important for many Americans, this argument is not salient for the vast majority of the AFL-CIO where as it is very salient for the SEIU. As a whole, 88% of union members participate in an employer-provided health plan. 82% of union members participate in employer provided retirement plans (Bureau of Labor Statistics, 2001). Service employees, on the other hand, deviate substantially from these averages. Only 65% of service employees are insured, and a mere 22% participate in employer provided pension plans (Sweeney, 1989). In a letter to the editor of *The American Prospect*, Geoghegan (1996) echoes Sweeney support of benefits for part-time workers, pension plans, unemployment compensation, more vacation, and a higher standard of living for workers. Working

women are particularly motivated by benefit issues. Eighty-seven percent of working women indicate that “secure affordable health insurance is very important, and seventy nine percent of working women indicate that “pension and retirement benefits are very important” (Stanhope, 1997). Stanhope notes that nearly a third of all working women lack health insurance or retirement benefits. Since the majority of union members enjoy health and retirement benefits, other benefits such as child care, elder care and family leave would be more salient. Both income levels could profit significantly from these benefits.

In *America Needs a Raise*, Sweeney shifts his focus from benefits, such as leave, child care and elder care, to the time crunch facing families. Sweeney begins with an updated statistic of mothers who work outside the home (59 percent) in 1990. In addition, Sweeney notes that women in 1989 worked 32.3 percent more hours than women in 1979, and all workers saw paid leave drop 15 percent (Sweeney, 1996i, p. 45). Sweeney indicates that the average man works 48.8 hours only to come home and spend another 2 hours on chores and 3 hours with the children while women work 41.7 hours and come home to spend 2.6 hours on chores and 3.75 hours with the children. Sweeney contends that these long hours are why many Americans “describe themselves as ‘always rushed’” (Sweeney, 1996i, p. 46-47). While most workers can relate to this time crunch, Sweeney does not provide his audience with a solution as how to solve the time crunch. Research on working women indicates that only 56 percent of women have paid vacations and only 48% of part time workers receive paid sick leave (Stanhope, 1997). Lack of vacation and sick leave only contributes to the time crunch women experience.

Moreover, sick leave, paid vacation, child care, elder care and family leave benefits help workers balance the time crunch. Hence, Sweeney would be better off framing the time crunch in terms of these benefits.

At the AFL-CIO, Sweeney also strongly supports Federal and international regulation and control. Sweeney claims to be neither for nor against free trade, but rather he contends:

It's not whether markets are more open or less open. That mistakes the means for the end. The end is human development. The fundamental question is whether globalization is helping to lift the poor from poverty; whether it is empowering the many, not just the few; whether its blessings are shared widely; whether it works for working people (Sweeney, 2000a).

In order to make sure that globalization “works for working people”, Sweeney calls for

rules for a new global economy, and it makes just as much sense now at the dawning of the information age as it did at the daybreak of the industrial age, and we need to begin by writing internationally-recognized human rights and workers' rights and environmental protections into trade agreements — including a ban on child labor and prison labor and guarantees of the right to organize. (Sweeney, 2000c)

Sweeney suggests that workers “think government should make some new rules that encourage companies to invest in America instead of shipping jobs overseas and that guarantee fair trade, where countries that sell products here also open their markets to us and agree to basic human rights and worker protections” (personal correspondence, June 3 2001). The WFN calls for “fair and balanced trade that protects people and the environment” (personal correspondence, July 17, 2001 and July 24, 2001). The AFL-CIO labels free trade efforts as “job killing trade deals like NAFTA” and alleges that “drain good jobs” (AFL-CIO, 2003). The WFN also suggests that the Fast Track trade

authority “has cost more than 1 million manufacturing jobs and promises more job loss and lost wages” (personal correspondence, December 4, 2001). While calling for more government regulation, Sweeney is critical of the enforcement of Labor law. Sweeney calls the enforcement of labor law “too slow to help them [Catapillar Workers]” (Sweeney, 1995c). Sweeney seeks international regulation. Sweeney envisions

A broad, multilateral rules-based system is needed. The ILO Declaration is a standard that must be realized "systemwide"—in the programs of the international institutions, in the U.N. Social Summit, and embodied in IMF criteria and World Bank development policies. The WTO needs to incorporate rules requiring its members to observe the fundamental standards of the ILO (Sweeney, 2000f).

Popular perception views globalization as “tidal wave of the worst [of] Western culture (Toynbee, 2000). Toynbee argues that people perceive that the ill effects of globalization are inevitable. While his audience probably supports Sweeney’s position, they ultimately believe that the decline is inevitable. In his letter to *The American Prospect*, Geoghegan claims that “the more you complain about the global economy, the more you encourage people to give up,” and he calls for Sweeney to “stop the fatalism about the global economy. Since the decline is inevitable, the audience has no real interest in pursuing globalization issues.

In addition to globalization issues, Sweeney juxtaposes inequality appeals with appeals to the audience sense of fairness. Sweeney illustrates this inequality by comparing business to a tide and individuals to boats. In his address to the Association for a Better New York, he comments:

President Kennedy found a simple but eloquent way to describe this successful social and economic compact: "A rising tide lifts all boats." When things were good, as they were for almost 30 years after the end of

World War II, we all prospered because we prospered together. We were concerned with raising the standard of living for working Americans, not just accumulating enormous wealth for a fortunate few. (Sweeney, 1995c)

Sweeney asks “Does a rising tide now sink most ships -- except for the luxury yachts?” (Sweeney, 1995c; Sweeney, 1996g). A week and a half later, Sweeney calls for “a way to restore the sense that we are all moving and advancing together, not sinking separately” (Sweeney, 1995c). Sweeney suggests “In the early 1970s, however, we began drifting from our course. The oil embargo . . . global competition . . . new technologies . . . and deregulation of the domestic economy -- all these put the squeeze on American business” (Sweeney, 1996g). Sweeney juxtaposes the corporate greed with conceptions of fairness and inequality. Not only do CEO’s and executives pull more than their fair share of salaries, the WFN capitalizes on cases where top executives receive more than their fare share of severance packages. The WFN points out “while many laid off workers were given nothing, Enron executives and ‘valued’ employees were given more than \$100 million in bonuses” (personal correspondence, February 13, 2002). The WFN notes “that worse still, key creditors who serve on an official Creditors Committee-which okayed these enormous bonuses-have decided to oppose any additional severance payments to the thousands of Enron workers who lost their jobs, their pension, and their health care” (personal correspondence, April 4, 2002). Not only are the needs of the wealthy placed above workers, but also the needs of corporations. After September 11, the WFN draws attention to the inequity of bailout offered to airlines while the misplaced workers are offered nothing (personal correspondence, October 4, 2001). Similarly, the WFN decries the Republicans for “blocking worker

relief and a sound economic growth proposal in favor of more handouts to the rich and corporations” (personal correspondence, October 31, 2001).

Sweeney blames greed for the problems and the inequalities in income distribution. Sweeney tells Bell Atlantic employees “we will not give in to corporate greed” (Sweeney, 1995a). Sweeney contends the problems of the economy stem from corporate greed (Sweeney, 1996h). Sweeney not only blames problems on greed, but he also does not “want to live in a society filled with envy, greed, intolerance and discrimination” (Sweeney, 1999d). Sweeney contends that “Thirty years ago, much of corporate America decided its share wasn't big enough and declared war on working America, using the emerging global economy as a club to free themselves from regulation and responsibilities to their employees and communities” (Sweeney, 2000c). Sweeney declares that the culmination of the greed is “our new ‘winner take all’ economy” (Sweeney, 1995c; Sweeney, 1995e). The WFN sarcastically suggests that “new data reveal that times aren’t so bad for some people: Corporate CEO pay packages are still out of this world. Sacrifice apparently, is for suckers” (personal correspondence, April 16, 2003). Sweeney also blames greed for the declining wages and benefits. At one point Sweeney basically calls employers thieves when he says “greedy employers who've been picking our pockets” (Sweeney, 1995c). Alter (2004), however, argues that bashing the rich only kills the dreams of the middle class, who seek to achieve that lifestyle someday.

Sweeney attacks the Republicans for contributing to the greed and inequality. Sweeney condemns “the Republican agenda of massive cuts in Medicare and Medicaid

to fund tax cuts for the wealthy” (Sweeney, 1995d). Before the 2002 election, the WFN comments “that lobbyists ‘are laying plans to take swift advantage if Republicans complete the triple crown of the White House, the House and the Senate’” (personal correspondence, October 23, 2002). The WFN urges voters to participate in the elections to “decide whose side our elected leaders are on – working families’ or CEOs” (personal correspondence, November 4, 2002). The WFN calls the Republican House leaders “Scrooge-like” for failing to extend unemployment benefits before heading home for the Christmas holidays (personal correspondence, November 22, 2002 and December 20, 2002). The WFN criticizes Bush’s nominee for the court of Appeals, Miguel Estrada, as an “ultra conservative” and an “extremist” (personal correspondence, February 6, 2002). The WFN urges recipients to support Democrats because “we know without a doubt what the Bush administration and their pro-big business, anti-worker partners in Congress would do should they gain complete control of the government.” The WFN claims that if the Republicans win “we can look forward to a Social Security system that benefits Wall Street rather than retirees, health care policies that protect drug companies and HMOs rather than patients; an education agenda that shovels public tax money into exclusive private schools...” etc. Sweeney calls the Republicans’ refusal to increase minimum wage “it is distressing, it is disgusting, it is disgraceful. The leaders of the majority in the United States Congress know no shame” (Sweeney, 2000g).

Despite his rejection of Republicans, Sweeney is not satisfied with Democratic support either. He tells Democrats that he is going to put “an end to checkbook politics: we're going to demand a voice for the working people of this country in setting

strategies, defining messages and issues and a hand in running campaigns” (Sweeney, 1995f). Sweeney comments that the AFL-CIO will “monitor and hold accountable the candidates we elect to office” (Sweeney, 1996b). By 1999, Sweeney is declaring “we're conducting a new kind of political action that stresses working families' issues, not party labels” (Sweeney, 1999e).

As mentioned earlier, many Americans believe that they have missed out on the economic boom of the 80's and 90's. While audience members at both income levels can find saliency in inequality and greed, the problem with blaming corporate America and the Republicans is that Sweeney can not provide a way to overcome this inequality and greed. As illustrated in Chapter III, the Democrats fail to provide the political goals that the AFL-CIO and the SEIU has sought over the years. Sweeney clearly provides villains, but he is unable to deliver the hero to rescue labor in the political arena. If neither the Republicans nor the Democrats can further the goals of union members, then union members are likely to vote on other factors as they did in the 2002 election or stay home. In addition, a mere eighteen percent of rank and file labor union members identify themselves as liberal (“The AFL-CIO's,” 1996). In the 1950's, seventy three percent of union members identified themselves as Democrats, but in 1995, only 45% identified themselves as Democrats. Moreover, in 1999, only a third of all union members identify themselves as Democrats (Freeman and Rogers, 1999).

The attack of the Republicans may be partly successful with activist audiences such as the WFN. The AFL-CIO has adopted the strategy of sending e-mails, which are intended to be shared with family and friends. The election of 2000 illustrates the

potential of emails to mobilize union members to participate in the election (Kraig, 2003). The AFL-CIO enjoys the ability to control the rhetoric of the activists by providing fliers and email links to congress. The problem arises, however, when these individuals communicate in their networks where anti Republican messages may not be as welcome.

While Sweeney spends a whole chapter in *Solutions for the New Work Force* on the issue of contingent workers, Sweeney devotes only a page and a half of *America Needs a Raise* to this issue. Sweeney does update the statistics of the number of contingent workers in America since *Solutions for the New Work Force* was written. Sweeney cites *Newsweek* and *U.S. News and World report*, who report that contingent workers comprise nearly 25% of the work force, and that companies who in relied on contingent workers for 12% of their work force in 1990 are now relying on them for 21 % of their work force in 1995 (Sweeney, 1996i, p. 35). The remaining arguments made by Sweeney on the topic of contingent workers in *America Needs a Raise* are very similar to the argument made in *Solutions for the New Work Force*, much briefer, and these arguments lack the statistical support offered in *Solutions for the New Work Force*. In *America Needs a Raise*, Sweeney contends that the contingent workers' "jobs have some things in common: low wages, a lack of health insurance and pension benefits, and few if any, basic legal protections for their health and safety on the job, their retirement security, their right to overtime pay, and their right to organize unions and bargain with their employers" (Sweeney, 1996i, p. 35).

After Sweeney assumes the presidency of the AFL-CIO, the increasing reliance on the contingent work force is still important, but many of the groups - such as professionals - that Sweeney would like to organize have not experienced a major shift within their particular career field. Hence, these workers are not likely to find salience through fear.

As Sweeney campaigns for the AFL-CIO, organizing becomes his first priority because “the labor movement will not survive if we do not start organizing” (Sweeney, 1996i, p. 9). At the ICEF convention Sweeney lists his priorities as:

We have three top priorities. The first is to organize new workers at a pace and scale that have no precedent... Second, we are committed to opening up our movement at every level, making it more diverse by bringing in more women and more people of color, so that the AFL-CIO will reflect the faces in the American work force... Our third priority is politics (Sweeney, 1995b)

Similarly, Sweeney tells the executive council that “we cannot bargain decent contracts for our members, nor can we obtain public policies that protect working families, unless we can build a substantially larger labor movement” (Sweeney, 1996a). Sweeney seeks to organize both blue collar and white collar workers so that “neither blue collar nor white collar workers have to labor so hard and so long that they have no time left for family, friends or for their church” (Sweeney, 1999a; Sweeney, 1999c).

Sweeney seeks to organize professionals because

they all have employers, and when those employers forget their basic mission — or become driven by the unchecked pursuit of profit, or are dictatorial to their employees — the desire to join together and collectively bargain follows as naturally as sunshine follows rain (Sweeney, 2000e).

Sweeney provides Boeing engineers as an example why white-collar workers want to be union. He suggests that “white collar workers increasingly turning to unions to gain a voice in the decisions affecting their lives” (Sweeney, 2000c).

In addition to organizing, social justice is still a top priority. Sweeney tells the Older Women’s League, the AFL-CIO is committed to creating a “society that is more equal, more fair, more humane” (Sweeney, 1996d). Sweeney is proud of the role of unions in obtaining laws that provided for social justice such as social security, Medicare, and Medicaid. Sweeney brags “none of these laws benefited union members alone. Every one of them advanced the cause of economic security and social justice for every American. That was what a strong union movement meant for all Americans at the middle of this century” (Sweeney, 1999e). Sweeney promises to seek social justice for “not only for ourselves but for everyone” (Sweeney, 1999e). The WFN calls for “justice” for dock workers whose employer locked out employees and sought government intervention instead of bargaining (personal correspondence, October 4, 2002). Similarly, the WFN launches a campaign to “bring justice to Wal-Mart and make it a company we can all respect” (personal correspondence, November 21, 2002). Social justice is not just for Americans, but for people all around the globe (Sweeney, 1999f).

Sweeney calls for respect for workers when he tells Bell Atlantic employees “there’s no RESPECT for workers or the jobs they do or the contribution they make, and this confrontation is not going to end until you are granted that respect” (Sweeney, 1995c). Sweeney calls for employers to “honor American work, honor American

workers, honor American working families. America works because we do, and when we stop working, America stops working!” (Sweeney, 1995a). Sweeney also seeks respect from companies in which union pensions are invested. He says “we must ask the management of the companies we invest in to join us and pursue a partnership with their workforce as a whole -- a partnership based on mutual respect, cooperation and mutual gain” (Sweeney, 1996f). Sweeney insists “the #1 theme I hear from workers . . . ‘No loyalty’ . . . ‘No respect’ . . . even when companies and their top executives are doing very well. Employees are treated like expenses on a balance sheet -- instead of assets to be invested in” (Sweeney, 1996h).

Sweeney wants to establish partnerships with business. Sweeney tells the Association for a Better New York:

I want to build bridges between labor and management, so that American business can be more successful, and American workers can share in the gains. When we do this, we'll build bridges for the working poor to climb into the middle class; bridges for the middle class to continue the great American journey of generational progress; and bridges over troubled waters in a nation increasingly divided along the lines of color and class. (Sweeney, 1995c)

When speaking to the California Association of Public Hospitals, Sweeney comments “I can't think of a place where management needs labor as a partner more than in public health” (Sweeney, 1995d). Sweeney continues “For labor's part, we will insist on being participants in developing proposals for restructuring and we're going to increase our strength by aggressively organizing across the country” (Sweeney, 1995d). Sweeney suggests that employers should chose “not to pick up the traditional weapons of management anti-unionism. The union is choosing not to base its strategy for growth

in this industry on knee-jerk anti-management rhetoric. And as is often the byproduct of a cease-fire, a truly mutually beneficial peace can grow” (Sweeney, 1995e). Sweeney suggest to the National Press Club that “we have to reach out to management -- from a position of strength -- because that is the only way we can build a stronger, high-wage economy” (1995f). Moreover, Sweeney repeatedly offers poor logic in drawing his conclusions which means that they do not function as “fact”. He claims that “we were willing to be flexible, to be open for change, but we demanded to be part of the process... We are still seen by the private hospital as an impediment to change, but we're working together now and the merger will go through by July 1996” (Sweeney, 1995d). The merger-taking place is hardly proof that the unions have not impeded the process and certainly does not indicate that unions improved the process. Sweeney would need to offer cases, illustrations, or facts in order to gain support for this statement. Similarly, Sweeney argues that dignity and cooperation will increase productivity and profits. For example:

Sweeney examines the case of Mackie Engineering Works plant in Northern Ireland. Sweeney suggests that despite years of conflict, now Catholics and Protestants work together peacefully as does labor and management. Sweeney concludes from this case that “Productivity, profits and wages are all rising, and management is investing in new equipment and new jobs. The lesson is clear: When there is dignity for everyone, everyone wins” (Sweeney, 1995f).

To borrow from Sweeney, the lesson is not clear. Working together with management and diversity does not necessarily equal higher productivity, profits, and wages. Market conditions, new technology, etc. could offer alternative explanations. Sweeney must provide evidence that dignity and cooperation is what makes the difference.

Workers who are middle class may seek social justice, respect and dignity through legal protections. Issues of dignity and respect, such as sexual harassment, wrongful discharge, and discrimination, are protected by law. Unlike the SEIU audience, middle class workers are in a better financial position to pursue litigation to enforce laws that provide social justice, respect and dignity. 7.4 % of all workers in the highest quartile will seek litigation compared to only 2% of workers in the lowest quartile. In addition, 56% of workers who file legal complaints are satisfied with the outcome. If they choose not to pursue legal action, 77% of workers are satisfied with employer systems for resolving complaints which is comparable to the 83% of workers who were satisfied with unions for resolving complaints (Freeman and Rogers, 1999).

In addition, many workers believe legal are illegal. 83% of workers believed that it's illegal to fire a worker for no reason or because a worker refused to do hazardous work. 56% of workers believed that strikers can not be permanently replaced (Freeman and Rogers, 1999). Since workers believe they have more protections than really exist, they do not identify with these arguments. Moreover, the AFL has traditionally rejected internal attempts to seek social justice. The tension surrounding social justice within the AFL-CIO poses cultural barriers to identification. Hence, a social justice frame offers greater opportunity to divide rather than unite the audience. Organizing as one of the top goal has problems as well. Organizing diverts resources from providing benefits to current members to seeking new members. Hence, organizing does not offer the incentive to current or new members, which draws them to unions in the first place. The

Christian Science Monitor contends that Sweeney's "confrontational organizing could backfire by alienating white-collar workers" ("A New Day," 1995).

While Sweeney offered specific solutions at the SEIU, in *America Needs a Raise* and his speeches during his AFL-CIO presidency, Sweeney departs from this strategy. Rather he speaks in much more general terms of the types of changes that need to take place and focuses more on a utopian vision of the world. Sweeney lacks a clear vision of the steps necessary to effect change. Sweeney only makes unspecific vague references to organize more people. To the Association for a Better New York he promises "We're going to renew and rebuild our labor movement by pouring vast resources into organizing from the Sunbelt to the Rustbelt and from software writers to sweatshop workers" (Sweeney, 1995c). When Sweeney does offer a solution, the solution usually consists of throwing money at the problem as he told the New York Press Association that labor needs to "Put at least 30 percent of our resources into organizing. That is why we will be training at least a thousand organizers a year, pouring \$20 million into organizing programs -- and organizing from the Sunbelt to the Rustbelt and from health care to high tech" (Sweeney, 1995f; Sweeney, 1996g). By 1999, the AFL-CIO has made "organizing our No. 1 priority, by devoting more resources to it and by growing larger and stronger unions that can guarantee working families will share in the rewards of a booming economy," but still the AFL-CIO does not have a clear vision as to what is being done (Sweeney, 1999b). Sweeney does call for "strategic" use of organizing funds, but fails to elaborate what the strategy would entail (Sweeney, 1996a). Similarly, Sweeney announces an increase in funding for his political objectives "that we are going

to spend \$35 million dollars on politics this year --- more than three times what we've ever spent. We are proceeding with plans to establish our new national political institute, which is charged with recruiting and training political organizers, campaign managers and candidates" (Sweeney, 1996c). In *America Needs a Raise*, Sweeney touts organizing as the cure all for improving working conditions, benefits, pay, and political clout (1996i). Moreover, Sweeney promises that organizing will restore a sense of community to America. The Restaurant and Employees International Union (HERE), the SEIU, and UNITE stand behind Sweeney's call for more organizing (Meyerson, 2003). Of the 65 unions that comprise the AFL-CIO, only 10 are actively engaging in organizing (Meyerson, 2003). More than 85% of local officials do not want to spend more on organizing (Bernstein, 1996). Laborer's president O'Sullivan believes that other union president's are satisfied if their workers are employed no matter their share of the workforce (Meyerson, 2003). Wilhelm, president of HERE, indicates that AFL-CIO is divided on the role of organizing (Meyerson, 2003). Unlike many union president's, Wilhelm would like to see the number of services that the AFL-CIO provides decrease and the AFL-CIO focus on politics and organizing. Cohen, vice president of the CWA, believes that unions organizing should be driven by workers not be AFL-CIO management (Meyerson, 2003).

Conclusion

The AFL-CIO faces several competing and/or conflicting sources of identification in their attempts to create change. Both the AFL-CIO and the SEIU must compete with societal frames and organizational culture in creating identification with

union members and potential union members. For the AFL-CIO, identification is problematic since they are unable to offer salient identification beyond material concerns for the “middle class” wage earners. In addition, the societal frames mentioned in chapter III also pose competing messages with the identity that the AFL-CIO and SEIU try to create for themselves. Against these societal frames, labor is not cast in a favorable light. As Seymour (1996) notes, “most have come to think of their union as an agency that takes their money for services rendered than a cause to work for.” When compounded by tensions in organizational culture, identification is shaky at best for many members of the AFL-CIO.

While some of Sweeney’s rhetoric has high levels of appeal for the low wage earners in the SEIU and the AFL-CIO audience, Sweeney does a better job of appealing to members of the SEIU because the issues he raises translates to better benefits for a larger percentage of the SEIU than the AFL-CIO. Sweeney’s rhetoric has persuaded members of the UMW and public employees to organize local Janitors and public employees (Seymour, 1996). While some members of the AFL-CIO might see better personal benefits in Sweeney’s rhetoric, for a vast majority, the hope for increased benefits is dim. Only 27% of union members rank wages and benefits as their top priority (“The AFL-CIO’s,” 1996). Even more problematic, Sweeney fails to define clear solutions for the AFL-CIO audience in correcting the problems that face workers. Matthew Rothschild indicates that “he’s taken a few good steps, but he’ll need more vision and courage than he’s demonstrated so far (Benard and Pivens, 1995, p. 6). Without a clear vision, the many members of the AFL-CIO have little to support or

identify with. In a letter to the editor, Ed Rothstein (2003) calls for the “progressive leadership of the AFL-CIO to leave the federation.” The polls indicate that while many agree with Rothstein, 62% of union members are satisfied with the AFL-CIO leadership which leaves a large number of members unsatisfied (Gearey, 1996). However, only 20% have a “favorable” opinion of Sweeney, but only 53% of respondents even recognized his name. Those who did nearly two-thirds rated him favorably (Gearey, 1996).

CHAPTER VI

CONCLUSIONS

If organizational rhetoric truly plays a role in change efforts, the success of change efforts of the AFL-CIO and the SEIU should be similar. The types of changes sought for the AFL-CIO are similar to the changes that Sweeney implemented at the SEIU. And after all, the primary rhetor, certainly the most visible rhetor, for both organizations is the same person, who already demonstrated a high level of rhetorical skill while managing the change efforts at the SEIU. In addition, both the SEIU and the AFL-CIO face many similar environmental and political challenges. The assumption that both organizations should demonstrate similar levels of success is naïve and fails to account for differences in audience, organizational culture, organizational structure and consequently organizational power. To make matters even more complicated, to date Sweeney has failed to provide his AFL-CIO audience with the same level of saliency in identification that he provides his SEIU audience.

The organizational culture of the SEIU was much more open to change efforts than the culture of the AFL-CIO is today. Throughout its history, the SEIU has faced changes. Instead of resisting these changes, the SEIU has a history of embracing these changes and finding new ways of attracting members. In addition, the SEIU has a culture that welcomes individuals who are different. The AFL-CIO, on the other hand, has traditionally resisted change rather than showing the flexibility of the SEIU.

The SEIU also enjoys an advantage in terms of organizational structure. On the surface, the SEIU and the AFL-CIO share similar structural characteristics. The

governing body of each organization is their convention, which is held every four years. In between, each organization has an executive council or executive committee which meets twice a year to make decisions. Each organization has representational structures that manage the organization for these two bodies. Neither organization allows the rank and file direct participation in the election of these officials. The main difference between the two organizations in terms of structure and consequentially power is the control over affiliates. The SEIU's constitution binds all affiliates to follow the decisions set forth by the convention, the council and the president. The local affiliates of the AFL-CIO are bound similarly. The national and international unions, however, are not subject to control by the AFL-CIO convention, council or president. While head of the SEIU, Sweeney could set policies, as long as the executive committee and convention had no problems with them. Once these policies were set all local, regional, and state affiliates had to follow them. As president of the AFL-CIO, the national and international unions did not have to follow his policies. In a way, many of the changes that Sweeney has promoted, such as spending 30% on organizing, are merely recommendations for national and international unions. Because of the difference in structure, the president's proposals function as directives for SEIU affiliates. This structural difference means an enormous disparity in terms of Sweeney's formal power.

Sweeney's use of rhetoric, hence, is even more important as president of the AFL-CIO than as president of the SEIU. His rhetoric has the potential to bridge cultural tensions and provide potential sources of informal power. Moreover, Sweeney can not organize new members, however, unless he is able to establish identification. The

ability to show an overlap in interests are key to recruiting these members as well as receiving support for change efforts. The differing composition of Sweeney's two audiences accounts for the difference in levels of identification between the two change efforts. At the SEIU, the majority of the workers were low paid and often unskilled. Their incomes fall below the "middle class". As a result, these workers are struggling for their economic and physical survival. While at the AFL-CIO, Sweeney has portions of his audience that are below the "middle class" income, but he also has a large constituency, both current and prospective members, who are well within the "middle class" income. For the members of both organizations who do not enjoy the economic stability of the "middle class" income, they are more likely to find appeals to material or economic issues salient. Moreover, there are few alternative institutions available to help them fulfill their needs. While the non "middle class" wage earner of the AFL-CIO would respond to economic appeals just as members of the SEIU would, the "middle class" wage earners at the AFL-CIO are unlikely to find them to be as salient. Due to these factors, Harry Sangerman, a labor and employment lawyer, contends that unions have not been able to maintain or recruit members from "manufacturing industries where wages can reach middle class levels" (Verespej, 1996) Identification is most powerful when based on more issues than economics. Michael Bennett, president of UAW local 1853, believes that traditional message of improved working conditions and pay limits the ability of unions to appeal to middle class wage earners (Verespej, 1996). Without salient non-economic appeals, the individual is likely to evaluate the benefits of union membership based on a consumerist mindset. Under this mindset, the costs of union

membership outweigh the benefits for the “middle class” worker. Specifically, middle class fear the cost of proposals such as national healthcare, retirement benefits, and social justice because they fear that they will “subsidize the poor” (Kuttner, 1995). As a result, many “middle class” wage earners will turn away from organizing and other goals of the AFL-CIO because these goals diminish the benefits they receive in the organization. In addition, potential members as well as current members will opt out of unions because the law provides a viable and less costly alternative to achieving the worker protections they seek.

As president of the SEIU, Sweeney doubled the membership of the organization and had created substantial organizational support for it. As president of the SEIU, Sweeney could use his power to create change as long as it fell in line with the values and attitude of the executive committee and the convention. While the culture and structure of the organization aided Sweeney, the membership could not have grown without providing members with identification. As president of the AFL-CIO, Sweeney lacks a supportive culture for change, and the organizational structure limits his ability to use power strategies. Hence, persuasive strategies are essential to his ability to create change. While Sweeney has seen small increases in membership at the AFL-CIO, several members and unions have left the organization. His limited success at the AFL-CIO is due to the limits of his identification. As mentioned before, at the SEIU, Sweeney had cultural, structural, and audience factors that aided the saliency of identification based on economic or material appeal. But, individuals, whose basic needs are met, seek more than economic appeals in identifying with organizations. A

National Committee for an Effective Congress, a professional polling group, indicates that the middle class is more concerned with moral and social issues versus economic issues (Kuttner, 1995). Similarly, Stanley Greenberg, a Clinton pollster, found that moral decline replaced the voters' concerns about jobs and the economy.

The different levels of success for the change efforts of the SEIU and the AFL-CIO result from a multitude of factors. The difference in audience identification with Sweeney's rhetoric can account partially for the success differential between these two organizations. As discussed in chapter II and III, rhetoric is constrained by the structures that bind it. The culture and the power differentials are also critical to understanding the success differential. Ironically, the difference in the culture and power situation made it all the more important that Sweeney use quality persuasive strategies. Hence, I suggest that Sweeney's ability to create identification is essential to his ability to overcome these problems.

Beyond the scope of the SEIU and the AFL-CIO, this dissertation has several practical implications for labor union communication. Identification based on material issues is insufficient to create change with "middle class" audiences. Since organizing professional and white-collar workers is essential to the success of the labor movement, rhetors must find other salient appeals. Union rhetors must also account for organizational culture and competing societal frames when crafting rhetorical arguments. While the AFL-CIO did offer other frames, ultimately, these frames were unsuccessful because the rhetors did not consider the organizational culture and competing societal frames.

This dissertation is unable to determine if any rhetorical strategy could have bridged the cultural and structural problems facing Sweeney. It is quite possible that these problems were insurmountable no matter the quality of identification used by Sweeney. With such poor quality of saliency of identification, it is impossible to differentiate the level of influence. Future research needs to compare successful and unsuccessful change efforts in which organizations faced similar problems with change due to power and culture resistance to fully determine the role of identity and argumentation in creating change.

In addition to providing practical suggestions for labor communicators, this dissertation illustrates the theoretical value added to organizational rhetoric studies by using an integrated collective action approach with an organizational rhetoric approach. By studying the political opportunities, mobilizing structures, and framing, the researcher creates a systematic study of the rhetorical situation. Without this systematic study of the rhetorical situation, the critic can only give a partial analysis of how or why the rhetoric succeeds. This dissertation builds on the collective action scholarship by arguing for a detailed microanalysis of the frames not offered by most researchers. Microanalysis looks at the quality of rhetoric offered, which is unavailable in macroanalysis of frames. In this dissertation, the combined approach helps explain why on a macrolevel seemingly similar frames succeed in one change situation but fail in another. But to truly explain the success Sweeney has with the SEIU and the lack of success Sweeney has with the AFL-CIO, the critic must understand the different organizational culture and organizational structures as well as the broader issues

surrounding the labor movement. As Perrow (2002) notes, many organizational studies neglect the process of organizing and focus on the organizations themselves. The challenge for the researcher is that rhetoric plays a role in shaping organizations, while at the same time is shaped by organizations. Thus, this dissertation illustrates the importance of a systematic and integrated microanalysis in order to understand the rhetorical situation.

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